REFERENDUM ON WAR

IMr. La Follette asked and obtained leave to have printed in the Record a communication from Maj. Gen. William C. Rivers, United States Army, retired, in the New York Times of Tuesday, July 25, 1939, on the subject of a war referendum; which appears in the Appendix.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock tomorrow.

The motion was agreed to; and (at 11 o'clock and 37 minutes p. m.) the Senate took a recess until tomorrow, Saturday, July 29, 1939, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 28 (legislative day of July 25), 1939

RAILROAD RETIREMENT BOARD

Lee M. Eddy, of Missouri, to be a member of the Railroad Retirement Board for a term of 5 years from August 29, 1939 (reappointment).

WORK PROJECTS ADMINISTRATION

Denis W. Delaney, of Massachusetts, to be Work Projects administrator for Massachusetts.

COLLECTOR OF INTERNAL REVENUE

Thomas B. Hassett, of Fitchburg, Mass., to be collector of internal revenue for the district of Massachusetts, to fill an existing vacancy.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 28, 1939

The House met at 12 o'clock noon.

Rev. Edward B. Wilcox, pastor of Trinity Methodist Church, of Washington, D. C., offered the following prayer:

Almighty and everlasting God, whom to know is life eternal, and whom to love is perfect joy, stand Thou among us in this hour. Bestow, we pray Thee, the blessings of Thy divine wisdom upon these Thy servants, who labor for the welfare of their country. Grant that they shall ever continue in unselfishness and love their great share in guiding the destinies of this land wherein Thou hast vouchsafed unto us a dwelling place. Do Thou cause Thy blessing to rest upon Thy servant, the President of these United States, and all who are in authority with him. Direct us, O Lord, in all our doings with Thy most gracious favor, and further us with Thy continual help, that in all our works begun, continued, and ended in Thee, we may glorify Thy holy name, and finally by Thy mercy obtain everlasting life. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 162. An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the Senate of the following titles:

H.R. 5375. An act to promote nautical education, and for other purposes;

H. R. 6746. An act to amend certain provisions of the Merchant Marine and Shipping Acts, to further the development of the American merchant marine, and for other purposes; and

H. R. 6984. An act to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2697) entitled "An act to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Byrnes, Mr. Bankhead, Mr. Brown, and Mr. Townsend to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. Hayden, Mr. Byrd, and Mr. Tobey as the members on the part of the Senate of the Special Committee to Express to the American Association of State Highway Officials the appreciation of Congress on the accomplishments of the association in highway development, pursuant to the provisions of House Concurrent Resolution No. 10, agreed to July 25, 1939.

The message also announced that the Vice President had appointed Mr. Barkley and Mr. Gibson members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers of the Board of Governors of the Federal Reserve System.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution and move its adoption.

The Clerk read as follows:

House Resolution 279

Resolved, That David J. Ward, of Maryland, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Immigration and Naturalization.

The resolution was agreed to.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title:

H. R. 5407. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

AMENDMENT OF BANKRUPTCY ACT

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on yesterday he last night signed the enrolled bill of the House (H. R. 5407) to establish a uniform system of bankruptcy throughout the United States.

AMENDMENT OF RETIREMENT ACT OF APRIL 23, 1904

Mr. MAY submitted a conference report and statement on the bill (S. 839) to amend the Retirement Act of April 23, 1904.

EXTENSION OF REMARKS

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a speech over the radio delivered by myself.

The SPEAKER. Is there objection to the request of the Commissioner from Puerto Rico?

There was no objection.

Mr. Brooks asked and was given permission to revise and extend his own remarks in the Record.

PERMISSION TO ADDRESS THE HOUSE

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. Mr. Speaker, in our country today 1 American in every 6 is receiving public charity in one form or other. In Great Britain, one in seven is on some kind of public bounty. In 1881 only 1 American in every 565 received assistance, while 1 in 32 was on the dole in England.

We have become 94 times poorer in the last 60 years, while Britain has grown only 5 times more badly off in the same period. Ask the new dealers to explain this phenomenon.

THE LATE SIMON M. HAMLIN

The SPEAKER. The Chair recognizes the gentleman from Maine [Mr. OLIVER] for 1 minute to make an announcement.

Mr. OLIVER. Mr. Speaker, as once again the Grim Reaper exacts his toll of mankind, it becomes my sad and solemn duty to advise the membership of this House of the passing into the Great Beyond of former Representative Simon M. Hamlin of South Portland Maine.

Simon M. Hamlin, of South Portland, Maine.

Mr. Hamlin, or "Sime," as he was affectionately known to those of us who were intimately acquainted with him, was an outstanding character. Those of you who associated with him in the Seventy-fourth Congress will recall his unquestionable integrity, his sincerity of purpose, and his loyal devotion to his party. His community, his State, and his Nation have lost in the passing of Simon Hamlin a man who was the finest type of citizen, a loyal and devoted son, and a great patriot. Those who knew him personally have lost a friend.

It shall be my purpose at a later date to extend more detailed remarks in his memory.

EXTENSION OF REMARKS

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include a short editorial written by the distinguished newspaper publisher, Frank E. Gannett, of Rochester, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

[Mr. Plumley addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial from the Steuben Republican.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include an editorial from the Chicago Daily News.

The SPEAKER. Is there objection?

There was no objection.

JOHN L. LEWIS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GROSS. Mr. Speaker, as a member of the Committee on Labor of this House, I want the House to know that when the chairman of the committee, the gentlewoman from New Jersey [Mrs. Norton], yesterday thanked John L. Lewis for his fine contribution to the committee after he had made his vicious and uncalled for assault on that courageous American, Jack Garner, she was not speaking the sentiment of the committee. And I as one of the committee resent the statement of Mr. Lewis. [Applause.]

Mr. DUNN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DUNN. Mr. Speaker, before the Labor Committee went into session yesterday a motion was made and carried that none of the Members should have the right or the privilege to interrogate any person who appeared before the committee. Three of the members of the committee voted against that motion, and I was one of the three. The gentleman from Pennsylvania [Mr. Gross] was one of those who voted for that motion.

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. The gentleman from Pennsylvania cannot divulge what happened in the committee.

The SPEAKER. The gentleman from Pennsylvania will suspend. The gentleman from Massachusetts [Mr. Martin] makes the point of order that the gentleman from Pennsylvania is undertaking to disclose the proceedings before a committee of the House on a matter which has not been reported by the committee to the House. The rules and precedents sustain the point of order made by the gentleman from Massachusetts, and the gentleman from Pennsylvania, under the rules, is not privileged to discuss matters which occurred before the committee.

Mr. DUNN. Very well, Mr. Speaker. May I proceed?

The SPEAKER. The gentleman may proceed in order, but he cannot disclose or interpret matters that occurred before the committee on measures that have not been reported to the House.

Mr. DUNN. Did not the gentleman from Pennsylvania [Mr. Gross] do the same thing?

The SPEAKER. The gentleman from Pennsylvania [Mr. GROSS] did divulge matters which occurred before the committee, but no point of order was made, and, therefore, the Chair could not act on his own motion.

Mr. DUNN. I just want to say that the gentlewoman from Massachusetts [Mrs. Norton], our chairman, was not responsible for that and the gentleman from Pennsylvania [Mr. Gross] was.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a brief statement concerning the President, written by one of my constituents.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

IMPORT PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1933

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7171) to amend section 22 of the Agricultural Adjustment Act, which I send to the desk.

The Clerk reported the title of the bill. The SPEAKER. Is there objection?

Mr. TREADWAY. Mr. Speaker, I reserve the right to object. It is my understanding that this involves a form of tax that is equivalent to a tariff. If I am correctly informed in that particular I ask the gentleman why such a measure as that should not go to the Committee on Ways and Means instead of to the Committee on Agriculture. I did not suppose that the Committee on Agriculture would have the right to impose any tariff duties in any bill which it reported.

Mr. JONES of Texas. Mr. Speaker, when the triple A bill in 1935 was under consideration section 22 was put in as an incident to the bill. That is, in any effort to secure better farm prices in this country naturally it was necessary to have some provision about imports that interfered with the price levels. This provision was placed in the bill applicable to any program that might be fashioned under the Triple

A act. Within that act, but not as an integral part of it, was section 32, which provided for using certain funds for the purchase and distribution of surplus commodities in this country or for the export of those commodities.

In the interpretation of that it has been thought by legal counsel that the provisions of section 22 would not be applicable to purchases under section 32. This simply is an amendment to strengthen section 22, make it more flexible, and make certain that it applies to any program under section 32. Simply because section 22 was in the original farm act, this amendment to that act went to the Committee on Agriculture. Otherwise it would have gone to the gentleman's committee. If this were coming up as a first impression it would go to the gentleman's committee. However, in view of the gentleman's well-known position, I do not think he would object to this strengthening of that particular provision.

Mr. TREADWAY. No; I am not opposing that-

Mr. JONES of Texas. I will state to the gentleman that it is no thought of ours to try to take jurisdiction away from the Ways and Means Committee. We have all that we can say grace over now, and but for the fact that this is an amendment to a provision which was in the A. A. A. Act, as a protective measure to the operations under the act, this would not have been sent to our committee.

Mr. TREADWAY. Then does not the inquiry lie against the original provision? How did the original provision get in?

Mr. JONES of Texas. The gentleman knows that under the rules of the House, when a bill is presented that covers more than one subject, its reference is governed by the major purposes of the bill. It was essential to have such a provision in any proposal that might have for its effect the securing of better prices to the American farmer.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield. Mr. McCORMACK. What the gentleman says is correct in that respect undoubtedly, but this is an amendment to a specific section of that act, which amendment is purely within the jurisdiction of the Ways and Means Committee. mere fact that section 22 or 32 might be a part of the Agricultural Adjustment Act, which properly comes before the committee of which the gentleman from Texas is chairman, it does not necessarily follow that the committee has jurisdiction over a specific amendment to that, where the specific amendment comes within the jurisdiction exclusively of the Ways and Means Committee.

Mr. JONES of Texas. I will state that my committee had no particular desire to handle this legislation, but we had an exact illustration of it in what happened yesterday in connection with the barter provision, which naturally would be within the jurisdiction of the Committee on Agriculture, because it involves the Commodity Credit Corporation which is a set-up in agriculture. But on account of the fact that in a comprehensive bill, the Commodity Credit Corporation was originally established in the terms of a provision that was reported by the Banking and Currency Committee, the parliamentary authorities in the House have referred all subsequent legislation-and another measure which was introduced yesterday—to the Committee on Banking and Currency. Since the original provision was embodied in that act and is a part of that act, an amendment thereto, according to the parliamentary authorities, is referred to the committee having the original jurisdiction. That is logical, I think. I hope the gentleman will not object to this.

Mr. McCORMACK. I am addressing myself-

Mr. JONES of Texas. I will state that I have consulted with several members of the Ways and Means Committee. I am sorry I did not get to see the gentleman.

Mr. McCORMACK. I am not so mentally constructed that the gentleman would have to consult me.

Mr. JONES of Texas. I understand that.

Mr. McCORMACK. Unanimous consent can be exercised arbitrarily, but it should not be. It should be exercised as a trust. But will the gentleman explain what this bill does, and why its passage is necessary? Is it connected with the export bounty or subsidy on cotton that has recently been put into operation by the Secretary of Agriculture?

Mr. JONES of Texas. It refers to no particular commodity. I will state to the gentleman that it applies already to the entire agricultural program. But in using section 32 funds, which were used in connection with 17 commodities and will probably be used with reference to more this year, if by the purchase of those commodities the price is better in this country, it may be used with reference to any of them. It may be necessary, and probably will be necessary, if there is considerable exportation of cotton, in order to protect cotton textiles, as well as the cotton farmer, if such a program is carried out; but it would be true with reference to lard or any other of the numerous commodities in connection with which a purchase and distribution program is carried out, either here or abroad.

Mr. McCORMACK. In other words, as a result of the export subsidy we have to pass this law now in order to

protect our markets?

Mr. JONES of Texas. Oh, no. This bill was passed in 1935, and applies to everything except section 32, and, in my judgment, it would apply to that. However, the Legal Division has held that section 32, while in the Agricultural Adjustment Act, was not an integral part of that act, and therefore it has to be broadened, since we have additional funds, and it will apply to all commodities. It is necessary not only as to cotton, but as to any other commodity that section 32 may be used in connection with. That is the only change.

Mr. McCORMACK. Did the gentleman's committee go into the entire question of the effect of this proposed bill upon the whole tariff situation, or did the gentleman just confine it-

Mr. JONES of Texas. Oh, yes. When the original act was presented, we had numerous witnesses and spent some days considering this particular provision. This simply makes it cover what it was intended to cover originallythe whole A. A. A. program.

Mr. McCORMACK. But when a tariff question comes up, it is not a tariff question alone that the Ways and Means Committee considers, but it is the effect on the entire sit-

Mr. JONES of Texas. Yes. We went into that thoroughly, and on this particular amendment we consulted representatives of the Tariff Commission and the State Department and the gentleman's committee. We had a meeting and went into it thoroughly.

Mr. McCORMACK. Conference with the committee of which the gentleman from Massachusetts is a member?

Mr. JONES of Texas. I say with some representatives of his committee.

Mr. McCORMACK. The gentleman's answer shows clearly that they went into the whole tariff question in the consideration of this bill, but certainly it is a bad precedent to have these conflicts between committees. I am glad to note, however, that some committee in the House besides the Committee on Ways and Means is going into the tariff questions.

Mr. JONES of Texas. We are interested only in the principle that is essentially a part of the program, and I hope the gentleman will not destroy the program.

Mr. McCORMACK. The gentleman from Massachusetts does not bow to the gentleman from Texas in his support, whether I have been wise or unwise, of farm legislation.

Mr. JONES of Texas. I agree that the gentleman has been very generous, and I have a high regard for his judgment and ability.

Mr. McCORMACK. But we want to know what we are doing.

Mr. JONES of Texas. That is right.

Mr. McCORMACK. And this bill is necessary to protect the American market against the export of American farm products-raw products.

Mr. JONES of Texas. No; against the import of such products.

Mr. McCORMACK. But we have got to export them before they are imported.

Mr. JONES of Texas. No, no; most of this fund, a major portion of it, will be used in purchasing and distributing among the low-income groups in this country.

Mr. McCORMACK. We have a subsidy with reference

to the export of raw cotton, have we not?

Mr. JONES of Texas. In its exact sense, I think the effect of the subsidy is simply to release cotton from the artificial barriers of a loan that keeps it above the market level of the world price; so the effect of it is not in its essence a subsidy. It is simply a release of cotton from the artificial barriers so it can flow naturally as it would if we did not have the Federal loan policy.

Mr. McCORMACK. We will call it an inducement.

Mr. JONES of Texas. In an exact sense, I think it is not an inducement, it is simply a removal of the barrier so it can flow naturally.

Mr. McCORMACK. But the finished product can come back into this country and go on the world markets at lower cost than if those inducements, or whatever the gentleman may call it, did not exist.

Mr. JONES of Texas. That depends. All cotton grown abroad will still flow except for the tariff, and we have a

tariff on the finished product.

Mr. McCORMACK. Why do we not put the raw cotton into our own factories and turn it into the finished product in the United States, give the American worker employment on it, and then export the finished product to the foreign market under a subsidy, or whatever the gentleman calls it?

Mr. JONES of Texas. I may state to the gentleman from Massachusetts that part of it will be used that way, and I think the major portion of it may be. I think the gentleman is correct in his position, but we have such a tremendous supply that we are really almost compelled to make disposition of it by the use of all available methods.

Mr. McCORMACK. My friend from Texas with his arguments, convincing as usual, and with his personal charm,

overwhelms me. [Laughter and applause.]

Mr. TREADWAY. Mr. Speaker, under my original reservation of objection, I would like to make one observation in connection with the statement of the gentleman from Texas.

The SPEAKER. The gentleman from Massachusetts is

Mr. TREADWAY. I am very much impressed with the merit of the proposal. It contains, as the gentleman has said, in the amendment they are offering a very distinct tariff provision. I congratulate the gentleman on including that in any measure he may support. I want to say further, though, that it seems to me we ought to have a little better understanding from time to time when measures naturally follow within the jurisdiction of a certain committee are taken up by some other committee. We have had several instances in the Ways and Means Committee of bills containing joint provisions that would make the bills referable either to our committee or some other committee; and that is the case here. I think, therefore, we, as the Committee on Ways and Means, ought to have had the original legislation on the amendment that the gentleman is anxious to have included.

Mr. JONES of Texas. Replying to the gentleman from Massachusetts, I may say that it has always been my philosophy of tariff that it should be on a revenue basis, but that whatever tariff system is in effect should be applicable generally; in other words, it should be a tariff for all or a tariff for none.

On the other proposition I thoroughly agree with the gentleman, but I may state that I am confident the gentleman's committee has reported more legislation that probably dealt with agriculture than the Committee on Agriculture has legislation falling within the jurisdiction of the Committee on Ways and Means. I have seen it occur a number of times. Under the peculiar rules of the House, however,

this practice is indulged in, and the major purpose of the bill controls its reference to a particular committee.

Mr. TREADWAY. Mr. Speaker, I withdraw my reserva-

tion of objection.

Mr. RICH. Mr. Speaker, reserving the right to object, I may say to the gentlemen on the Committee on Agriculture that if the Committee on Ways and Means will not give a tariff on things that are necessary to protect agriculture. then I think the Committee on Agriculture is within its jurisdiction in going ahead and giving us a good Republican tariff, because that is the only thing that is going to save this Nation: A good Republican tariff. I congratulate the gentleman and the Committee on Agriculture from bringing that in at this time. [Applause.]

Mr. JONES of Texas. The gentleman is entitled to his free opinion. I disagree with him, however, and refuse to

accept his label.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 22 of the Agricultural Adjustment Act of 1933, as amended, and as reenacted by section 1 (k) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting after the words "Soil Conservation and Domestic Allotment Act, as amended", wherever they appear, the words and figures ", or section 32, Public Law No. 320, Seventy-fourth Congress, approved August 24, 1935, as amended"; by inserting in subsection (a) after the word "being" the words "or likely to be"; by striking out in subsection (b) the words "limitations on the total quantities of any article or articles which may be imported" and by inserting in lieu thereof the words "fees on, or such limitations on the the total quantities of, any article or articles which may be entered, or withdrawn from warehouse, for consumption"; by striking out in subsection (b) the expression "July 1, 1928, to June 30, 1933" and inserting in lieu thereof the expression "January 1, 1929, to December 31, 1933"; and by amending subsection (c) to read as follows: "The fees and import restrictions proclaimed by the President under this section and any revocation, suspension, or modification thereof, shall become effective on such date as shall be specified in such proclamation, revocation, suspension, or modification, and such fees, which shall not be in excess of 50 percent ad valorem, shall be treated for the purposes of all provisions of law relating to customs revenue as duties imposed by the Tariff Act of 1930."

Mr. JONES of Texas. Mr. Speaker, by direction of the

Mr. JONES of Texas. Mr. Speaker, by direction of the Committee on Agriculture, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. Jones of Texas: On page 1, line 11, strike out the word "likely" and insert in lieu thereof the words "practically certain."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUPPRESSION OF CERTAIN SUBVERSIVE ACTIVITIES

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5138) to make unlawful attempts to overthrow the Government of the United States; to require licensing of civilian military organizations; to make unlawful attempts to interfere with the discipline of the Army and Navy; to require registration and fingerprinting of aliens; to enlarge the jurisdiction of the United States circuit court of appeals in certain cases, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that it shall be in order to consider the substitute amendment recommended by the Committee on the Judiciary now in the bill; that such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill; that any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

The SPEAKER. The question is on the motion.

Cummings

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make a point of order there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-three Members are present; not a

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

	[Rol	l No. 147]		
Alexander Boren	Curley Dies	Holmes Hook	Routzohn Secrest	
Bradley, Mich. Buckley, N. Y.	Dingell Douglas	Jarrett Kennedy, Martin	Shafer, Mich. Short	
Bulwinkle	Eaton, Calif.	Lanham	Smith, Ill.	
Byron Caldwell	Eaton, N. J.	Lea McLean	Smith, Maine Smith, Wash.	
Cannon, Fla.	Fay	McMillan, Thos. S.Stearns, N. H.		
Casey, Mass.	Fernandez Fish	Maciejewski Magnuson	Stefan Sumners, Tex.	
Cole, Md.	Fitzpatrick	Massingale	Sweeney	
Cole, N. Y.	Flannery Gilchrist	Mitchell Patman	Thomas, N. J. Wadsworth	
Connery	Harrington	Powers	White, Idaho	
Crowther	Harter, N. Y.	Reed, N. Y.	Woodruff Mich	

The SPEAKER. Three hundred and sixty Members have answered to their names. A quorum is present.

Romine

On motion of Mr. CELLER, further proceedings under the call were dispensed with.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D. C., July 28, 1939.

HOD WILLIAM B. BANKHEAD.

Hennings

Speaker of the House, Washington, D. C.
DEAR MR. SPEAKER: On Tuesday, July 25, 1939, in pursuance of
House Resolution 272, I was elected to serve as a member of the

Committee on War Claims.

In view of the pressure of my duties as a member of other standing committees of the House, I desire to be excused from serving on the Committee on War Claims.

Please accept my resignation from the Committee on War Claims, effective immediately.

effective immediately.

Thanking you for your consideration in this matter, I am, Respectfully,

MATTHEW A. DUNN.

Zimmerman

The SPEAKER. Without objection, the resignation will be

There was no objection.

SUPPRESSION OF CERTAIN SUBVERSIVE ACTIVITIES

The SPEAKER. The motion now pending is the motion of the gentleman from New York [Mr. CELLER] that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5138.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were-ayes 193, noes 31.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5138, with Mr. CHAPMAN in

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. MARCANTONIO. Mr. Chairman, I object.

The Clerk read as follows:

Be it enacted, etc.,

TITLE I

SECTION 1. It shall be unlawful for any person by word of mouth or in writing, or by transmission by radio, to advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the United States, or the government of any State of the United States, or the government of any subdivision thereof, by force or violence, or by the assassination of any officer of the United States, or any officer of any State of the United States, or any officer of any subdivision thereof, or by any other unlawful means. by any other unlawful means.

SEC. 2. It shall be unlawful for any person with intent to over-throw or destroy the Government of the United States, or the

government of any State of the United States, or any subdivision thereof, by force or violence, or by any other unlawful means, to print, publish, edit, issue, or knowingly circulate, sell, distribute, or publicly display any book, paper, document, or written or printed matter in any form containing or advocating, advising, or teaching the doctrine that the Government of the United States, or the government of any State of the United States, or any subdivision thereof, should be overthrown or destroyed by force or violence or by any other unlawful means.

SEC. 3. It shall be unlawful for any person to openly, willfully, or deliberately justify or defend by word of mouth or in writing the assassination or unlawful killing or assaulting of any officer of the United States, or any officer of any State of the United States, or any officer of any subdivision thereof, because of his official charor any omeer of any subdivision thereof, because of his omeial character or act, or openly, willfully, or deliberately justify or defend or teach, spread, or advocate the propriety, desirability, or necessity of overthrowing or overturning the Government of the United States, or the government of any State of the United States, or the government of any subdivision thereof, by force or violence, or by any other unlawful means.

SEC. 4. It shall be unlawful for any person to organize or help to organize or become a member of, or affiliate with any society, group, or assembly of persons who teach, advocate, or encourage the over-

throw or destruction of the Government of the United States, or the government of any State of the United States, or the govern-ment of any subdivision thereof, by force or violence, or by any other unlawful means.

SEC. 5. That it shall be unlawful for any person to organize, participate in the organization of, conspire with any other person for the purpose of organizing, join or be a member of any civilian military organization unless such organization shall have obtained from the Secretary of War a permit to function as such civilian military organization. The Secretary of War shall be authorized in his discretion to issue such permit for such time and under such conditions as he shall see fit to impose and subject to revocation within his discretion at any time without notice: Provided, That the Secretary of War shall report the issuance of each such permit to the Congress immediately if the Congress be in session, and if the Congress be not in session at the time of the issuance of such permit the Secretary of War shall make public his action in issuing such permit within 1 week from the date of issuance of such permit and shall report such issuance during the first week of the ensuing session of Congress: Provided further, That any such permit issued by the Secretary of War shall be only of temporary and contingent effect until 30 days after the report thereof to the Congress: And provided further, That any such permit shall be revogress: And provided further, That any such permit shall be revo-cable at any time by act of Congress.

SEC. 6. The Secretary of War shall be authorized to require at any

time that the organizer or organizers of any prospective civilian military organization or the members or officers of any existing civilian military organization submit to him a statement under civilian military organization submit to him a statement under oath of the proposed or existing purposes, activities, membership, mediums of propaganda employed or to be employed, present or proposed sources of financing, and such other information as to him shall seem appropriate; the Secretary of War shall be authorized to investigate such organization, and to report on such statement and investigation to the President.

SEC. 7. The term "civilian military organization" for the purposes of this act shall be deemed to include any camp, school, society fraternity order league lodge brotherhood, institute, or

poses of this act shall be deemed to include any camp, school, society, fraternity, order, league, lodge, brotherhood, institute, or any group of two or more persons whatsoever which engages in, or meets for the purpose of engaging in, study, drill, or discussion of military or naval science, strategy, formations, functions, or methods, or the use of actual or imitation military or naval firearms, signals, symbols, codes, or methods of military or naval communication or transportation, or any such group which by its written rules or constitutions or by its oral oaths or teachings advocates the denial to any citizen or group or class of citizens of any protection, privilege, or immunity guaranteed by the Constitution and laws of the United States on account of the race, color, or religious or political faith of such citizen, group, or class of citizens by use of force, violence, threats, intimidation, or economic coercion.

Sec. 8. The term "civilian military organization" shall be deemed

SEC. 8. The term "civilian military organization" shall be deemed

not to include—

(a) Military training or drills or parades by units of the United States Army, Navy, Marine Corps, Coast Guard, Regular or Volunteer, National Guard, Organized Reserves, citizens' military training camps, Reserve Officers' Training Corps, or Organized State Militia, by members and instructors of cadet or reserve corps of any institution of learning under the supervision of the War Department or by members and instructors of cadet or reserve corps of any institution of learning under the supervision of the War Department or
the State governments, nor shall it be applicable to parades by war
veterans who are members of exclusively veterans' societies, by
troops of a foreign government whose admission to the United
States has been consented to by the United States Government,
nor shall it be applicable to persons while acting or appearing in
any theater or in any motion-picture or television production;
(b) Any organization expressly authorized by the law of any
State:

(b) Any organization expressly authorized by the law of any State;
(c) The police organizations of any State or governmental subdivision thereof to which police power has been delegated by such State: Provided, however, That no organization of two or more persons incidental or auxiliary to such State or local police force, volunteer, special, or reserve police not paid by such State or governmental subdivision thereof or paid partly by such State or

governmental subdivision and partly from some nongovernmental source shall be exempt from the provisions of this act.

SEC. 9. It shall be unlawful for any person to advise, counsel, urge, or solicit any member of the Army or the Navy of the United States to disobey the laws or regulations governing the Army or the Navy or to disobey the lawful orders of a superior, or to publish or distribute any book, pamphlet, paper, print, article, letter, or other writing which advises, counsels, urges, or solicits any member of the Army or the Navy of the United States to disobey the laws or regulations governing such military or naval forces, or to disobey the lawful orders of a superior.

lawful orders of a superior.

SEC. 10. Any book, pamphlet, paper, print, article, letter, or other writing of the character described in section 9 of this act may be taken from any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant issued pursuant to the provisions of title XI of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917 (40 Stat. 228; U. S. C., title 18, ch. 18).

SEC. 11. The term "member of the Army" as used herein shall include all members of the Army of the United States as defined in section 1 of the National Defense Act of June 3, 1916, as amended (48 Stat. 153; U. S. C., title 10, sec. 2), when in active Federal service.

TITLE III

SEC. 12. That section 7 of the Naturalization Act of June 29, 1906, as amended (U. S. C., 1934 ed., title 8, sec. 364), is amended by adding at the end thereof a new sentence, as follows: "No person shall be naturalized or be made a citizen of the United States who believes in any form of government for the United States contrary to that now existing in the United States or who is a member of, or affiliated with, any organization which advocates any form of government for the United States contrary to that now existing in the United States."

SEC. 13. It shall be unlawful for any alien or citizen or resident.

SEC. 13. It shall be unlawful for any alien or citizen or resident of any foreign country, the boundaries of which touch the boundaries of the United States of America or are contiguous thereto, to habitually cross said international boundary line for the purpose habitually cross said international boundary line for the purpose of seeking employment, or engaging in any employment, vocation, or trade, either as skilled or unskilled labor employment, in the United States of America, to and from his or their residence or residences which are outside of the borders of the said continental United States. The provisions of this act shall not be applicable to any person who is a bona fide employee of any common carrier operating between the United States and any foreign contiguous

territory.

SEC. 14. That an alien who entered the United States either from

SEC. 14. That an alien who entered the United States either from a foreign territory or an insular possession, either before or after the passage of this act, shall be promptly deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889, 890; U. S. C., title 8, secs. 156, 156), as amended, regardless of when he entered, if he—

(1) At any time after entry is convicted of an offense which may be punished by imprisonment for a term of 1 year or more, or of a crime involving moral turpitude, the said deportation to be made by the Secretary of Labor forthwith at the time he is released from confinement, or is placed upon probation, or is prographed. pardoned; or

(2) Has been convicted of possessing or carrying any concealed

or dangerous weapon; or

or dangerous weapon; or

(3) Knowingly possesses or carries any weapon which shoots or
is designed to shoot, automatically or semiautomatically, more
than one shot without manual reloading, by a single function of
the trigger or any firearm that has a muffler or silencer; or
(4) Has been convicted of violation of a State narcotic law; or
(5) Knowingly encouraged, induced, assisted, abetted, or aided
anyone to enter or try to enter the United States in violation of

law; or

(6) Any alien engaged in espionage for a foreign government or international political agency seeking to change the character of the Government of the United States, or influence its policies; or

(7) Any alien who is a member of any association, society, or group which advocates, teaches, or advises a change in the form of government of the United States, or engages in any way in

domestic political agitation; or

(8) Does not within 1 year after the enactment of this act, or if he enters thereafter does not within 1 year after entry, declare his intention to become a citizen of the United States and fails to use due diligence to become a citizen of the United States: Provided, That this particular provision shall not apply to nonimmigrant aliens admitted temporarily under section 3 and to nonquota immigrant aliens admitted temporarily under section 4 of the Immigration Act of May 26, 1924, so long as the said nonimmigrant and nonquota immigrant aliens maintain the temporary admission status under which they were admitted: And provided further, That the literacy test shall not be required of alien immigrants who have resided in the United States for a period of 20

SEC. 15. It shall be the duty of every alien residing in the United States who is 18 years of age or older to register, as provided in this act, once each 6 months. It shall be the duty of every person having in his custody in the United States any alien who is less than 18 years of age to have such alien registered, as provided in this act, once each 6 months. The Commissioner of Immigration

and Naturalization is authorized and directed to provide, by rules and regulations, for the registration once each 6 months of any alien residing in the United States who is less than 18 years of age and who is not in the custody of any person.

SEC. 16. The duty of any alien 18 years of age or older to register shall be discharged by appearing before a Federal court official and answering such inquiries as such official may ask for the purpose of filling out a registration form for such alien. The duty, under this set of any appear having an alien in his careful rules. under this act, of any person having an alien in his custody who is less than 18 years of age shall be discharged by appearing together with such alien, before a Federal court official and answering such inquiries as such official may ask for the purpose of filling out a registration form for such alien.

SEC. 17. The Commissioner of Immigration and Naturalization is authorized and directed to require such officials of the Immigration and Naturalization Service as he may designate to fill out a registration form for each alien who enters the United States after the date of enactment of this act. No such alien shall be permitted to enter the United States unless upon arrival at the port of entry he answers such inquiries as any such official may ask him for the purpose of filling out a registration form with

ask him for the purpose of filling out a registration form with respect to such alien.

SEC. 18. Every alien who is registered under the provisions of this act shall, upon his first registration (whether before a Federal court official or an official of the Immigration and Naturalization Service), be under a duty to permit his fingerprints to be taken by such official; and any such official shall be under a duty to fingerprint any such alien who appears before such official for his first registration.

to fingerprint any such alien who appears before such official for his first registration.

SEC. 19. The Commissioner of Immigration and Naturalization is authorized and directed to prepare, within 30 days after the date of enactment of this act, forms to be used by the Federal court officials and officials of the Immigration and Naturalization Service for the registration of aliens. Such forms shall contain inquiries with respect to (1) date, manner, and place of arrival of the alien in the United States; (2) activities in which he has been, and intends to be, engaged; (3) length of time he expects to remain in the United States; (4) criminal record of such alien; and (5) such other matters as the Commissioner may determine, The Commissioner shall furnish to every official, required under this act to register aliens, all necessary quantities of copies of such forms together with such instructions for filling out such forms as he may deem necessary.

SEC. 20. The first registration under this act of aliens residing

forms as he may deem necessary.

Sec. 20. The first registration under this act of aliens residing in the United States upon the date of enactment of this act shall be made within 60 days after the date of enactment of this act.

Sec. 21. All registration forms with respect to, and the fingerprints of, any alien registered under this act shall be forwarded to the Commissioner of Immigration and Naturalization and shall be retained by him as a part of the records of the Immigration and Naturalization Service with respect to such alien.

Sec. 22. (a) Any alien heretofore or hereafter admitted to the

Naturalization Service with respect to such allen.

SEC. 22. (a) Any alien heretofore or hereafter admitted to the United States who has not become a naturalized citizen of the United States within 5 years after the date of enactment of this act or 5 years after the date of his entry into the United States, whichever may be the later, and any alien who willfully fails to register as required by this act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in sections 19 and 20 of the act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917, as amended amended.

(b) No alien who is deported from the United States under the provisions of this act shall thereafter be permitted to enter the

United States.

TITLE IV

SEC. 23. It shall be unlawful for any person to attempt to commit or to conspire to commit any of the acts prohibited by any provisions of this act.

provisions of this act.

Sec. 24. Any person who violates any of the provisions of this act shall be punished by imprisonment for not more than 10 years or by a fine of not more than \$10,000, or both, and, in addition thereto, any alien who violates any of the provisions of this act shall be forthwith deported in the manner provided by existing law immediately upon his release from the custody of the court in which he is tried. No person who violates any provision of this act shall be eligible for employment by the United States Government or by any corporation the stock of which is wholly owned by the United States Government, for a period of 5 years after his conviction.

Sec. 25. Should any foreign government refuse to permit the return to that country of any of its citizens or nationals who may have been ordered deported under the provisions of this act, then

have been ordered deported under the provisions of this act, then the immigration quota from such country to the United States shall be forthwith suspended and revoked notwithstanding any other existing law, regulation, or treaty to the contrary, until such time as such foreign government shall permit the reentry to that

country of such deported person or persons.

TITLE V

SEC. 26. That any alien who has been or may hereafter be ordered deported by the Secretary of Labor under the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States" (39 Stat. 874; U. S. C., title 8, sec. 156), relating to criminals, prostitutes, procurers, or other like immoral persons; or under the act of October 16, 1918, entitled "An act to exclude and expel from the United States

aliens who are members of the anarchist and similar classes," as amended by the act of June 5, 1920 (40 Stat. 1012; 41 Stat. 1008; U. S. C., title 8, sec. 137); or the act of May 26, 1922, entitled "An D. S. C., title 8, sec. 13/1; or the act of May 26, 1922, entitled "An act to amend the act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909, as amended" (42 Stat. 596; U. S. C., title 21, sec. 175); or the act of February 18, 1931, entitled "An act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics" (46 Stat. 1171; U. S. C., title 8, sec. 156 (a)); but whose deportation was not or may be accepted. of any law regulating trains in narcotics" (46 Stat. 11/1; U. S. C., title 8, sec. 156 (a)); but whose deportation was not or may hereafter be not effectuated within 60 days after the date of the order of deportation because of the failure or refusal of the consular or diplomatic or other officers of the country of the alien's nationality, as determined by the Secretary of Labor, to issue a passport or other authorization permitting his return to the country of such nationality, shall be taken into custody and transported to such place of detention as may be designated by the Secretary of Labor, and there, or in such other place or places as may be thereafter designated by or in such other place or places as may be thereafter designated by the Secretary of Labor, confined, though not at hard labor, until such time as deportation shall have become feasible; or until the Secretary of Labor, upon sufficient evidence of good cause, shall order the release of such alien, temporarily or permanently, with or without

release of such alien, temporarily or permanently, with or without rescinding the order of deportation.

SEC 27. The Secretary of Labor is hereby authorized and directed to arrange for appropriate places of detention and to this end may select established institutions or may establish such appropriate places of detention as may be necessary, including such acreage for farming as may be desirable to provide an opportunity for voluntary employment and a part of the farm products required for the sustenance of the inmates. The appropriation of such sums of money as may be necessary from time to time for the establishment, maintenance, and operation of such place or places of detention and for the care of detained aliens in institutions already established, including the cost of the removal of such aliens to such places of detention, is hereby authorized.

ing the cost of the removal of such aliens to such places of detention, is hereby authorized.

SEC. 28. The control and management of any place of detention established hereunder, or so much of any place already established as may be utilized for the purpose of detention of aliens under this act, is hereby vested in the Secretary of Labor, who is hereby authorized to employ such officers and employees as may be required for the proper care and detention of such aliens; such officers and employees to be selected, appointed, and compensated in accordance with the existing civil service and classification requirements of law.

with the existing civil service and classification requirements of law.

SEC. 29. Notwithstanding the provisions of section 20 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 156), the Secretary of Labor is authorized and directed to detain aliens of the classes described in this act and his authority to do so shall not be questioned except upon petition filed with the circuit court of appeals for the circuit in which the place of detention of the particular alien is located and for this purpose the circuit courts of appeals are hereby invested with original and exclusive jurisdiction to hear such petitions and determine the question of the legality of the detention under this act, and the decision of any such court in any such case shall be fine!

such court in any such case shall be final.

SEC. 30. Before the Secretary of Labor may order the release of any alien detained hereunder or rescind the order of deportation for such alien, he must prepare and file with all the other papers relating to such case a synopsis of the evidence upon which such order is to be made and the reasons for such order.

Mr. SMITH of Virginia (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. SMITH]?

Mr. MARCANTONIO. Mr. Chairman, I object.

Mr. HOBBS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOBBS. I think the Clerk is reading that part of the bill that has been stricken out by the committee amendment.

The CHAIRMAN. The part of the bill that has been stricken out, so far as the bill is concerned, is before the Committee now.

Mr. BARNES. Mr. Chairman, in view of the unanimous consent of the chairman of the Committee on the Judiciary, was that not dispensed with and the substitute to be considered?

The CHAIRMAN. That does not cover the first reading of the bill in Committee.

The Clerk concluded the reading of the bill.

The CHAIRMAN. The gentleman from New York IMr. CELLER] is recognized for 1 hour and the gentleman from Kansas [Mr. Guyer] is recognized for 1 hour.

Mr. CELLER. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. Hobbs].

Mr. HOBBS. Mr. Chairman, I yield myself 10 minutes. Mr. Chairman, it might be well to refresh our recollection for just a minute as to the exact contents of this bill. To my mind it is one of the most important bills that has ever been presented in this body. There is no security in this country for life, liberty, the pursuit of happiness, or property without adequate national defense. There can be no adequate national defense as long as subversive influences threaten to undermine the loyalty and devotion of our fighting forces. Therefore, at the instance of the Army and the Navy, after full hearings and consideration, title I was approved by your Committee on the Judiciary. This title applies to those who would circulate subversive literature or spread subversive propaganda among the personnel of our Army, Navy, Marine Corps, or Coast Guard, with the intent to interfere with, impair, or influence the loyalty, morale, or

The officers testified before our committee that they were loath to ask for this provision in peacetime but that conditions had become worse, that propagandists were now gaining a foothold to some extent among the enlisted men of our Army and Navy, and that but for the high character and splendid loyalty that has always obtained among the rank and file of our men they would have had to ask for the enactment of this bill much sooner. So, then, title I interdicts the exertion of subversive influences with the intent to undermine the loyalty, morale, or discipline of our fighting

Mr. COCHRAN. Mr. Chairman, will the gentleman yield? Mr. HOBBS. I yield gladly to the gentleman from Mis-

Mr. COCHRAN. I am in sympathy with an effort to secure legislation that will correct some of the conditions to which the gentleman has referred, and intend to support this bill, but as I read section 1, I see that it shall be unlawful for anyone to advise, urge, solicit, or induce any member of our armed forces to disobey the laws or regulations governing those forces or the lawful orders of a superior officer. This is going pretty far, but nevertheless this provision is in the bill. Let us say there are four or five privates in the charge of a corporal.

They may be doing some minor work about a military post. It so happens that one of them has a little money. When the corporal is not on the scene the one with money urges the rest of the soldiers across the street from the reservation and get some refreshments, and the men are discovered there. The men may say, "He got us to go over there; he had some money." This man induced the other men to disobey the order of the corporal. Still that man would be subject to punishment of 10 years in the penitentiary or a \$10,000 fine for doing that.

I say it is all right to pass laws to protect our Army and Navy against those who would want to destroy our armed forces or the country, but certainly something should be said on this floor to let the Army and Navy and the Marine Corps know that it is not the intent of Congress to apply this law to minor violations by the boys in the Army and Navy who might disobey a regulation by going out and having a good time for a few hours or violate some minor regulation.

Mr. HOBBS. The gentleman is preeminently correct. We are assured by the Army and the Navy that all misdemeanors and offenses of every kind and character whatever, committed by the boys in these services, will be handled as they have been since the foundation of our Government, by courts martial.

Mr. COCHRAN. Under the language of this bill men committing such offenses could be reached, could they not, if the officers wanted to do it?

Mr. HOBBS. No, sir. It is the propagandist, the one who is disseminating subversive influences, at whom this title is aimed. It does not apply to our boys in uniform at all.

Mr. COCHRAN. Absolutely, and we should eliminate such a propagandist.

Mr. HOBBS. The penalties the gentleman envisions are the maximum discretionary penalties. You might as well say that the fine would be 1 cent, without hard labor. is in the discretion of the courts of justice to administer

this act, and to fix the punishment to fit the crime. The penalties named are a ceiling, not a floor.

Mr. COCHRAN. The gentleman, speaking as a member of the committee, feels that it is the intent of the committee that misdemeanors and minor cases should be handled as they have been in the past and that this act should not be applied to them?

Mr. HOBBS. The courts martial will regulate the conduct of the men in the service. This law would apply to those who would seek to undermine the loyalty of our armed

Mr. COCHRAN. I believe that such a statement in the RECORD, showing the intent of the committee, should be noted by the Army and Navy. They will have no reason to say now "Congress wrote the law; we must carry out its provisions to the letter." It should not apply to minor offenses.

Mr. HOBBS. I believe we can safely trust our Army and Navy authorities and the courts of justice. I wish to say to the gentleman that I do not believe, and neither did the committee, that there ought to be any distinction made between inciting to insubordination and any other form of disloyalty. Any influence that advocates disobedience in any military or naval establishment is just as vicious and vile and potentially destructive as anything can possibly be, for discipline and obedience to orders of superior officers are the sine qua non of successful functioning in any military organization.

The second title is a long title because of the Ramseyer rule, under which we rewrote the whole section of the code which we were amending. Essentially, however, it does only this: It adds four grounds of deportation, first, knowingly and for gain, aiding illegal entry; second, espionage; third, conviction of a State narcotic law violation; and, fourth, unlawful possession of machine guns or similar weapons. Of course, it applies only to aliens.

The general law now covers violation of the Federal narcotic law. This provides that violation of a State narcotic law shall also be a ground of deportation.

We also have a committee amendment which will be offered later adding a fifth ground-violation of the Marihuana Taxing Act of 1937. I neglected to say that there will also be a committee amendment to title I which will extend the coverage to the Reserve of the Navy and the Reserve of the Marine Corps.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am happy to yield to the distinguished gentleman from Ohio.

Mr. JENKINS of Ohio. Would it be any trouble to the gentleman to recount again the four or five additional grounds he mentioned?

Mr. HOBBS. First, knowingly, and for gain, aiding illegal entry; second, espionage; third, conviction of violating a State narcotic statute; and fourth, possession of machine guns, sawed-off shotguns or other weapons of that kind, without legal authority. Then if you adopt the committee amendment adding a fifth ground of deportation the bill will also interdict the peddling or smuggling of marihuana cigarettes to high-school children, and all others, for that matter; in other words, a violation of the Marihuana Taxing Act of 1937.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman vield in that connection?

Mr. HOBBS. Certainly.

Mr. JENKINS of Ohio. The distinguished gentleman has stated the additional grounds of deportation that are included in this bill, and one of them has something to do with the carrying of weapons like sawed-off shotguns. I would like to ask the gentleman this question: Does his amendment adhere closely to the present statute against carrying such weapons? In other words, unless it does the administrative officers will have a gool deal of difficulty in enforcing the law, but if it does correspond exactly with the law which the Attorney General recently advocated and which we subsequently passed, then the work will be very easy under it.

Mr. HOBBS. We have the assurance of the Department that this law will be enforcible. The language is "without legal authority."

Mr. JENKINS of Ohio. And the same thing applies to peddling marihuana. If you follow the present marihuana statute it will be all right.

Mr. HOBBS. Yes.

Mr. CELLER. Mr. Chairman, will the gentleman yield? Mr. HOBBS. I yield to the gentleman from New York, the acting chairman of our committee.

Mr. CELLER. As to the carrying of sawed-off shotguns and other weapons by aliens without legal authority, which means without a permit, that means that the administrative officer, the Secretary of Labor or whoever is in charge, would arrange an order of deportation without a trial in any kind of court. The mere possession of these prohibited weapons would be sufficient to deport that alien.

Mr. HOBBS. That is right, and we maintain that it should be exactly that way. Our guests in this country have no right to abuse our hospitality by arming themselves with that kind of paraphernalia. Every State of the Union interdicts the possession of burglarious tools. We maintain that these guests of ours in our national home are perfectly welcome to live here if they will not insist upon having or carrying machine guns or similar death-dealing weapons. Such weapons are made for one purpose only-to take human life.

Title III amends the law so that it will express clearly what the recent decision of the Supreme Court of the United States in the Strecker case held that it did not provide with sufficient clarity. The congressional intent to make membership in any organization advocating the overthrow of this Government by force or violence, at any time, and without regard to its duration or continuance, a ground of exclusion or of deportation, is by this title plainly set forth.

Title IV provides that no immigration visa shall issue in any foreign country, to any applicant, without fingerprinting the applicant in triplicate and furnishing one copy to our consular agent there, one to the immigration authorities at the port of entry into this country, and one copy to our Federal Bureau of Investigation.

Mr. MASON. Mr. Chairman, will the gentleman yield? Mr. HOBBS. I yield, with pleasure, to the gentleman from

Mr. MASON. Does this cover visas issued for temporary residence, like visitors, or does it only cover visas issued for permanent residence?

Mr. HOBBS. It covers both, the idea being that it is only the work of a moment to take finger impressions and that the racket which has obtained in years past, as we have heard so often on the floor, of buying a name, will be prevented by absolute identification. There is no stigma connected with it. It is simply a part of the machinery of identification.

Mr. CELLER. Mr. Chairman, will the gentleman yield? Mr. HOBBS. I am happy to yield to the distinguished acting chairman of our committee.

Mr. CELLER. I believe title IV is limited to those seeking permanent entry, because section 8 reads as follows:

No immigration visa shall hereafter be issued to any alien seeking to enter the United States unless

And so forth. So I think it is limited to those who come here permanently and does not apply to those who come here temporarily.

Mr. HOBBS. Possibly I am in error and if so I stand corrected. Frankly, I had given no thought to the meaning of the word "immigration" in that respect.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Certainly. Mr. MASON. Does the gentleman mean that the word "immigration" placed before the word "visa" designates it as a permanent visa?

Mr. HOBBS. It may do so, technically, and that is the interpretation which the acting chairman of our committee puts upon it and, therefore, I stand corrected. Title IV, therefore, only applies to those who are coming in under the immigration quotas, and not to those asking for visitors' visas.

These, Mr. Chairman, are the only four titles in the committee bill. Everything else has been stricken out. We have worked hard and faithfully. If you will read our report of this bill you will see what we struck out, and why. We have brought you a good, clean, carefully drawn bill and one of

tremendous importance.

The finest compliment paid this committee bill was paid it in the debate on the rule. Many Members thought that the bill was too weak, many other Members thought that the bill was too strong. We submit that that means that it must be pretty good. With confidence, then, we invite your careful scrutiny. Appreciation of its meaning and significance will mean its speedy and, possibly, unanimous passage. It is for the common weal. It will benefit every citizen and every good alien. It is in the interest of good government. It will make our beloved country a better place in which to live. Our homes and our children will be safer and happier because of this enactment. When this bill becomes law, the blessings of life, liberty, and pursuit of happiness will be more fully assured.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield to the gentleman.

Mr. HINSHAW. In the debate on the rule the subject was brought up of a possible comparison between this bill and the alien and sedition laws of the past. Would the gentleman discuss that subject and show any possible like-

ness or unlikeness between them?

Mr. HOBBS. With pleasure. The alien and sedition laws which were stricken from the statute books through the advocacy of their repeal by Jefferson, Madison, and other patriots, gave to the President power to expel all such aliens as he might adjudge dangerous to the peace and safety of the Nation. His decision was final. There was no trial by jury or court. He was bound by no rules of evidence. He was a "court of star-chamber." His ipse dixit was the law. His judgment might be based on mere gossip. There was no right of cross-examination, nor of appeal. Under such laws, freedom of speech and every other guaranty of our Bill of Rights were unknown, and an alien had no rights whatever. Since their repeal no such legislation has disgraced our statute books.

Mr. GEYER of California. Mr. Chairman, will the gentle-

man yield?

Mr. HOBBS. With pleasure.

Mr. GEYER of California. Does my colleague want to say that this bill before us does not infringe on the right of freedom of speech?

Mr. HOBBS. I certainly do, and most emphatically.

Mr. GEYER of California. The gentleman does not think it forbids anyone advocating the overthrow of the Government, and that that is not infringing the freedom of speech?

Mr. HOBBS. If I recollect correctly, there is no such provision in this bill; but if there were, it would be but a curb upon the abuse of the right of freedom of speech.

Mr. GEYER of California. Then I have read it wrongly.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Yes.

Mr. MARCANTONIO. The gentleman will concede that this bill makes advocacy of the overthrow of the Government by force and violence a deportable offense?

Mr. HOBBS. I do not think so.

Mr. MARCANTONIO. It definitely does on various pages. I am sure the gentleman does not want to remain in error.

Mr. HOBBS. I think the gentleman is talking about those titles in which we amend existing law, and those provisions are in the old law, not the new. This is so in both titles II and III.

Mr. MARCANTONIO. That is true.

Mr. HOBBS. Therefore this bill does not add anything at all of that kind to the law which has existed since 1917.

Mr. MARCANTONIO. Except that the definition of advocacy has been extended by the present language. In other

words, on page 24 we have (a) allens who are anarchists, (b) aliens who advise, advocate, or teach or who are members of or affiliated with any organization, association, society, or group, that advises, advocates, or teaches opposition to all organized government. That is new language.

Mr. HOBBS. That is on page 24?

Mr. MARCANTONIO. That is correct. It is subdivision (b). And the gentleman will also find new language in subdivision (c).

Mr. HOBBS. Oh, that is title 3.

Mr. MARCANTONIO. Yes.

Mr. HOBBS. Title III amends the law that Mr. Justice Roberts, in his decision in the Strecker case, said we should amend if we meant to make it so that conduct or membership which had ceased would be just ground for deportation, but, mark you, this does not change the law one whit on that subject. It simply says that no matter how far in the past membership in an interdicted organization may have been, nor of how short duration, it shall constitute, as we maintain it should, ground for deportation.

Mr. MARCANTONIO. On that point, if the gentleman will permit me, I think the gentleman is very familiar with the decisions on this type of cases, particularly criminal statutes. The gentleman is undoubtedly familiar with the case of People against Gitlow, in which the court held that

mere advocacy could not be made a penal offense.

It is only when advocacy ceases and incitement begins that the Congress may in the case of citizens make it a penal offense. Does the gentleman believe that our bill of rights can continue by leaving it to a jury to determine when mere advocacy ceases and when incitement begins? Can we get 435 Members of this body to unite on one opinion as to where is the line of demarcation?

Mr. HOBBS. I am very happy to answer the gentleman as best I can. The position I take with respect to that matter, and which I believe this House will take, is that citizens of the United States have constitutional guarantees of freedom of speech which do not apply to aliens, and which never can be stretched so as to apply to aliens. Aliens in the United States are exactly analogous to visitors in your home. No guest in your home has the same rights as do your children. They have no vested right to remain here. They have no right even to a hearing unless that be granted them by specific act of Congress. The Supreme Court of the United States has so decided.

But even if aliens had the same rights as do citizens, no question as to freedom of speech is here involved. They can say anything they please so long as they stop short of advocacy of violence in the overthrow of this Government. The abuse, not the use, of freedom is inhibited. That has been the law all the time. All I am saying is that in title III we do nothing to change that law. In title II, which the gentleman from California [Mr. GEYER] questioned, we did not change any law on this subject. The McCormack amendment to the change of penalty in the espionage law did that. We struck out title I when the McCormack amendment passed the House. What we are saying here is simply this, that whether advocacy amounts to incitement or not, we do not want any of those guests in our home to be advocating the burning of that house and the killing of the hosts. That is all. [Applause.]

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I will be happy to yield to my friend.

Mr. MURDOCK of Utah. I asked the gentleman to yield for the purpose of having him explain, and I know that he will very thoroughly, this phase of the bill. I will cite an example in order to get it before the Committee as it should be. Suppose that a citizen of Russia, who was a Communist over there—probably he could not help it, because, as I understand it, that is the only party there is in Russia—but suppose that by reason of the fact that even in Russiahe had decided that he wanted nothing to do with communism, and to get away from the vice of communism and come to a country where he can worship and also believe

politically as he sees fit, he leaves Russia and lawfully enters the United States.

Of course, when he enters he is a member of the Communist Party, notwithstanding the fact that he left Russia to get away from it. When he entered here he could not be anything but a member of that party. When he entered the United States lawfully and is a member of the Communist Party, he immediately renounces his affiliation with that party. He immediately denies his belief in communism and states openly that he believes in our democracy and wants to take advantage of it; that he left Russia and came here to be able to do it, and then he lives here for a period of 1 year or 2 years, or, for that matter, 10 years, and during that 10 years he demonstrates that he has in good faith renounced all affiliation with communism; he demonstrates without doubt that he is a firm believer, in good faith, in the democratic principles of our Constitution; with the citizens of this country in the community where he lives he has demonstrated his position by act and by every utterance that he has made; he has lived an honest life; he has mingled with those citizens; he has endeared himself to them, and they love and respect him and want him to stay here, and he wants to stay here; but under the viciousness of this act-and I say that this phase of it is vicious-if he is picked up there is absolutely no defense. Once the fact is proved that he is a Communist, he must return, if he can return, to the country of Russia. Is that

Mr. HOBBS. That is not exactly correct. In Russia membership in the Communist Party is not obligatory.

Mr. MURDOCK of Utah. If the gentleman will yield, I want to assume the facts as they are. I will assume that it is not obligatory, but by reason of not having full information, by reason of not knowing the liberty and opportunities afforded by American democracy we have here, he, unfortunately, through misinformation or no information, became a member of the Communist Party.

Mr. HOBBS. I will say to the gentleman that my information is that under the Russian system that could not happen. Under the Russian system you have to prove yourself to be a good Communist before you are elevated, as

they say, to membership in the party.

Mr. MURDOCK of Utah. Well, I want to state the premise just exactly as it is. We will assume, then, that even in Russia he demonstrated that he was a Communist and that for the time being and by lack of information he was a good Communist; his fidelity to the party could not be questioned, but that ultimately he wants to renounce it and come to America, and does renounce it.

Mr. HOBBS. Now so much for that. I submit there is no such case as the one hypothesized in the gentleman's major premise. But I would say that if this act were enforced, it would be impossible for him to have been here

for 10 years, because he could not even enter.

Mr. MURDOCK of Utah. Well, I said 2 years.

Mr. HOBBS. He could not enter at all. He is required to be stopped at the port of entry if he has been a member of any organization advocating the overthrow of our Government by violence. That is, if it be proved that the party to which he belonged was one that advocated overthrow of our Government or of all government by violence. [Applause.]

There are too many good aliens wishing to come here for us to take or keep those who have ever espoused the cause of assassination of men or government. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 10 minutes

to the gentleman from Illinois [Mr. REED].

Mr. REED of Illinois. Mr. Chairman, I am pleased to support this legislation, which, in its present form, comes to this body with the approval of an overwhelming majority of the members of the Committee on the Judiciary, without regard to their political affiliations.

Last week when the House debated the rule for its consideration, I listened with considerable interest to the arguments advanced by the opponents of this bill. Almost at the outset a dire warning was sounded, presumably to the

Democratic majority of the House, to stop, look, listen, and reflect upon the disastrous fate of the old Federalist Party in 1800 due, it was said, to the espousal and enactment by the Congress controlled by that party during the administration of President John Adams, of the so-called alien and sedition laws. It was pointed out that the rebuke administered by the American voters to the party in power in 1800 was one from which it never recovered and was the beginning of a series of defeats that finally sent the Federalist Party down the road to oblivion. The inference was manifest that a similar fate awaits the Democratic Party in 1940 if by a substantial vote of its Representatives and Senators the Smith bill is enacted into law.

While I can agree that the fears and apprehensions of the gentlemen as to the probable results of the elections in 1940 are well founded, it will not be because of Democratic support of this worthy measure. Other issues and innumerable sins of commission and omission will be the cause in 1940 of the withdrawal by the people of their political affections that they might transfer them to more efficient and competent recipients. The only unfavorable reaction that the party in power can suffer as the result of the passage of this bill is because of the tardiness of its Representatives in not seeming to realize until 1939 the need of this type of legis-

lation.

But the comparison of the pending bill to the old alien and sedition laws seems to me to be the acme of absurdity. Let us glance for a moment at the old Alien Act of John Adam's time. Boiled down it amounts to this: Congress in 1798 granted the President arbitrary and despotic power to order all such aliens as he should judge dangerous to the peace and safety of the United States, or should have reasonable grounds to suspect were concerned in any treasonable or secret machinations against the Government, to depart from the United States within such time as he specified in his order. There was no appeal from his edict. There was no unbiased tribunal to sit in judgment as to the reasonableness of his suspicions or the soundness of his judgment. At the whim of one man, who might be laboring under prejudices created through unsubstantiated rumors or malicious fabrications, decent, law-abiding men, women, and children who had, through their own energies established themselves as residents of a given community could have been ordered to pack their belongings and depart from the United States—to go wherever someone might be kind enough to receive them. Their only recourse was to appeal to the mercy and reason of him who mistrusted them and this remedy was not open to them except at his sufferance. He was the court of first and last resort. He was the prosecutor, judge, jury, and executioner.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. REED of Illinois. I yield.

Mr. O'CONNOR. On page 27 we find this language:

It being the intent and purpose of this section that membership in any one of the classes of aliens enumerated in section 1 of this act, at any time, of no matter how short duration or how far in the past, irrespective of its termination or of how it may have ceased, shall require deportation.

I want the gentleman to put me right if I am wrong in my construction of this language, because I think the gentleman perhaps is more informed upon this subject than I, as he is a member of the committee reporting this bill. My construction of this language is "once a Communist always a Communist," whether or not a man reforms.

Mr. REED of Illinois. There was some discussion of this subject during the time the committee was addressed by the distinguished gentleman from Alabama [Mr. Hobbs]. In my opinion, this bill does not of itself provide that a person must be deported because he is a Communist. It was stated by the gentleman from Utah [Mr. Murdock] on the floor a few minutes ago that an alien may come from Russia; that at the time he lived in Russia he may have been a member of the Communist Party; that he comes to America, and then, ipso facto, he would be deported because of his former affiliation with the Communist Party. The bill does not say that.

To be subject to deportation under this bill he must have been a member of a party or an organization which advocated, not the overthrow of the Russian Government but the overthrow of the Government of the United States. If that were a principle of the Communist Party while he was a member of that party in Russia, and he then and at that time advocated the overthrow of the Government of the United States, that in itself would be enough to deport him if he came over here; and it should be.

Mr. O'CONNOR. I thank the gentleman for that explanation, and I want to make this observation: Suppose a Communist comes over here and joins one of the classes to which reference is made in section 1; that he has been a member in Russia of the Communist Party, which advocated the overthrow of the United States Government by either force or violence. But he finds he is wrong, finds he is mistaken, gives up his previous views, and becomes a splendid man, and all that sort of thing. Under the provisions of this bill, having once belonged to that class of people, there is no chance for him to become a respected and honored citizen of the United States, as he could have done had he not once been a Communist. I think we ought to have some forgiveness in our hearts for people who have gone wrong but later mended their ways.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. REED of Illinois. The legislation before us today, so far as it deals with aliens, will affect only those who are convicted criminals, anarchists, and persons who have been infected with the virus of organizations bent on the destruction of our Government by force and violence. With the enactment of this bill tribunals set up under existing law, with the right of a review of their decisions, will, as heretofore, sit in judgment in deportation cases. If they function in an unlawful, arbitrary, or capricious manner, writs of habeas corpus will accord the alien the protection of our Federal

The law of 1798 aroused the resentment of the public, because in it this Government exhibited an unfairness toward the alien. The Smith bill merely insists that the alien must be fair to this Government.

The people of this Nation are becoming more and more American-minded and are determined not to tolerate the further presence in their midst of criminal alien enemies whose sole ambition is to tear down American ideals and institutions, instill disrespect for government and law, corrupt the young men of our Army and our Navy, and create disorder, chaos, and industrial paralysis in our domestic affairs.

This legislation should, and I believe will, receive the overwhelming approval of Members on both sides of this House.

[Applause.]

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes in which to answer the gentleman from Illinois [Mr. REED] and his statement with reference to the alien and sedition laws. I am going to read briefly a statement made by James Madison in the General Assembly to the people of the Commonwealth of Virginia on January 23, 1799, against the alien bill. He said:

But this bill contains other features, still more alarming and dangerous. It dispenses with the trial by jury.

So does the Smith bill.

It violates the judicial system; it confounds legislative, executive, and judicial powers; it punishes without trial; and it bestows upon the President despotic powers over a numerous class of men. Are such measures consistent with our constitutional principles?

Madison said "No" then, and with reference to this new alien and sedition bill I likewise say "No" today.

Madison complained that the bill punished without trial. We have the same thing in this bill. An unsuspecting alien may possess a sawed-off shotgun or some other weapon interdicted by the provisions of this act; he may go out huntingand be it remembered that a citizen might very well have a similar weapon without molestation from the authoritiesyet this poor alien can be nabbed, taken into custody, and

without trial-because all the act says is that should he possess the gun or weapon without legal authority, which simply means without a permit, this poor, innocent, unsuspecting alien could without trial by jury, merely upon the say-so of an executive, in this instance subordinates in the Department of Labor, be banished from this country to the country of his origin.

Furthermore, Madison said:

There is bestowed upon the Executive despotic powers over a numerous class of men.

I loathe communism with every ounce of energy within me. I have denounced communism at all times, yet I am interested in fair play, as was Madison interested in fair play way back in 1798 and 1799, as were Jefferson and those who saw eve to eve with him.

As was pointed out, you give power in this bill to the Secretary of Labor, that is, an administrative officer, to deport a man who may have been a Communist or who may have joined the Communist Party or some similar radical party for 5 minutes, 5 days, or 5 years many years ago, and regardless of his subsequent mode of living, regardless of his change of mental attitude, regardless of repentance or contrition. Certainly something should be said about true repentance. A man should have the right to change his mind and doctrine subsequent to his admission to the radical party. He should have the right to indicate to the Nation that he disowns what he may have done previously and that he does no longer believe in those tenets of radicalism. He is now a good man, a good family man, a loyal employee, an honorable husband and father. I say it is unfair to send him hence without a trial. No trial is provided even in that situation. Action is taken merely upon the say-so of an administrative official, the alien is sent to the country of his origin, be his affiliation in the radical party of only a very short duration. He may have joined up during a strike. during suffering, at which times men in penury and want are easily influenced by radical leaders and selfish orators and leaders.

A further provision of the bill states that any alien engaged in espionage shall be sent back to the country of his origin.

There will be no trial by jury. What is espionage or is not espionage is a matter of opinion. There is no definition in the bill. So we place in the hands of an executive officer the right to say that some alien has been guilty of "espionage," but there is no definition in the statute. Here the administrative officer is the judge of the situation. He is the judge and the jury and the prosecutor. We have an Espionage Act, and it is a rather well-defined act.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield myself 1 additional

Mr. Chairman, the act to which I referred, the Espionage Act, is a well-defined, carefully worded statute. Why do we not say in this bill, if a person who happens to be an alien is guilty of the violation of the Espionage Act, that he shall therefore have a trial by jury, and if he is found guilty under those circumstances, then he shall be sent hence to the country of origin. But the condition precedent should be a trial by his peers, a trial by jury. No jury trial is provided by this bill.

Mr. REED of Illinois. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. REED of Illinois. The gentleman mentioned that an alien might go hunting. Did he ever hear of a person going hunting with a sawed-off shotgun?

Mr. CELLER. It may be possible. I think that may be possible. I do not know anyone who would do it. I would not do it, but maybe an alien might do it. My contention is that the mere possession of such a weapon without a trial should not mean deportation. At least let there be first a conviction by a jury. Then, and only then, deport.

Mr. HOBBS. Will the gentleman yield?
Mr. CELLER. I yield to the gentleman from Alabama.
Mr. HOBBS. I will ask the gentleman if the Espionage Act that is already on the books does not in its own terms limit itself in its application to wartime and not to times of

Mr. CELLER. That is all the more reason why in times of peace we should have an act which clearly requires a jury trial as a condition precedent to deportation. If in time of war you cannot send one hence unless he is guilty of violation of the Espionage Act, which provides for trial by jury, with all greater force and with all greater reason we should apply this to a violation of an Espionage Act in times of peace. If a man is guilty of violating that act in time of peace, after a trial by jury and he is found guilty, he shall then, and only then, be banished or deported.

Mr. FADDIS. Will the gentleman yield?
Mr. CELLER. I yield to the gentleman from Pennsylvania. Mr. FADDIS. The gentleman speaks of the innocent alien getting into trouble. Is it not just as much incumbent upon an alien to bring himself within the law of this country and conform to it as it is for a citizen?

Mr. CELLER. There is no doubt about that. Aliens, I say, are more law abiding than citizens. That sounds strange but is true.

The Department of Justice compiles each year statistics of the persons arrested in the United States. They come from, for this last year, 1938, 2,662 cities and communities, representing over 67,000,000 people. They show that, for each 100,000 native-born whites in our population, 570.9 were arrested last year; while of our foreign-born whites, only 209.2 were arrested. In other words, the native-born were arrested three times, in general figures, as often as the foreign-born white, and those same proportions have held, year after year,

for many years.

I have here the figures recently released by the Department of Commerce, the Bureau of the Census. They get out periodically figures on the population in our prisons. These figures are for prisoners received from the courts during 1937, the last available. Of the 63,552 received in State and Federal prisons and reformatories in 1937, 46,325 were white. Of those, 93.1 percent were native-born, and 6.9 percent were foreign-born. Now, in your population, according to the last census-and this is dealing simply with the white population-the native whites were 87.7 percent and the foreignborn 12.3 percent. That is 12.3 percent of the total population, as compared with 6.9 in prisons, admitted to the State and Federal penal institutions. That has been true year after year, and I think that is valuable to call attention to, in trying to suggest the need or the lack of need for reaching the alien as a special class.

So often our general laws are aimed at someone-in this case, quite rightfully, the agitator-but the question is whether the law will accomplish the purpose that you have in mind, because, for one agitator that you may reach, you are going to reach thousands of aliens-women, mothers, particularly, who are innocent of any wrongdoing.

Thus our aliens are hardly as black as they are painted. It might be well to direct some of the force and oratory and attention now aimed at the aliens to our citizens. At the time of our last Presidential election, we had in the United States, according to the census, 67,000,000 people over 21 years of age who were citizens. Now, some 46,000,000, or a trifle less, actually voted, a discrepancy of 21,000,000 who were not performing their duties and responsibilities as citizens. That is a matter of regret; that is a matter of education, to cure that situation; and I think we have exactly the same situation with regard to some of our alien population, and it is a matter of time and education to adjust them, not a kind of compulsory naturalization, which, it seems to me, would do far more harm than good.

Certainly the alien problem, if any exists, cannot be solved

by new alien and sedition laws.

The problem has always been settled by the eventual assimilation of these aliens into our own American way of life, That is how and why our Nation has thrived. The problem cannot be solved by the force and violence of alien and sedition laws.

The alien and sedition laws fairly bristled with hatred of Irish and French immigrants, who were beginning to make themselves felt in American politics. Just as today, the new alien and sedition laws are aimed at certain classes and races coming from lands of persecution. Even the Federalist, Hamilton, was dumfounded at the temerity and brutality of these laws, strict enforcement of which would have sent Jefferson to the gallows and sealed the lips of many Members of Congress. It is well to repeat the words of Edward Livingston:

If we are ready to violate the Constitution, will the people sub-nit to our unauthorized acts? Sir, they ought not to submit; mey would deserve the chains that these measures are forging mit to our unauthorized acts? for them. The country will swarm with informers, spies, delators, and all the odious reptile tribe that breed in the sunshine of despotic power. The hours of the most unsuspected confidence, the intimacies of friendship, or the recesses of domestic retirement afford no security.

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island [Mr. RISK].

Mr. RISK. Mr. Chairman, I have noted with a great deal of interest the debate which was brought about when the gentleman from Utah [Mr. MURDOCK] asked a question as to what would happen in the event a man who came from Russia, had been a member of the Communist Party over there, remained here and behaved himself, and lived a good life as every American should. The question was not, in my opinion, answered to the satisfaction of the gentleman from Utah [Mr. MURDOCK].

I call the attention of the Committee to page 20, where that class of individuals has ample protection under the proposed law, because any of the activities enumerated in that title must take place after entry. Under the provisions of title III, on page 24, if a man who was a citizen of Russia and a member of the Communist Party applies for admission, he is automatically excluded under the act; but if by any chance he is a member and he has already been admitted to this country, he must be found guilty of some of these activities after his entry into the United States before he can be deported. It seems to me that fully answers the question.

Mr. MURDOCK of Utah. Will the gentleman yield? Mr. RISK. I yield to the gentleman from Utah.

Mr. MURDOCK of Utah. We know that in nearly all of the jurisdictions, or at least in many of them, membership in the Communist Party is sufficient ground, and has been so held, to deport. If you will turn to page 27 you will find the following language, and there is no question about why this was written in here. Our friend from Alabama was so emphatic about it there is no question about his intent in writing it:

It being the intent and purpose of this section that membership in any one of the classes of aliens enumerated in section 1 of this act at any time-

Now, that refers back to Russia-

or no matter how short duration or how far in the past, irrespective of its termination or of how it may have ceased, shall require deportation.

Mr. RISK. But does not the gentleman read on page 20 the same as I do? The activity of which the man is charged must have occurred after his entry into the United States.

Mr. MURDOCK of Utah. All we have to show, though, is the activity, his membership, which may have been the most passive kind of membership, or that at one time in the past he was a member of the Communist Party. Out in Seattle that has been held to be sufficient to deport.

Mr. RISK. The action must have been performed after his entry into the United States.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. RISK. I yield to the gentleman from New York.

Mr. MARCANTONIO. The gentleman is mistaken in his view, because the gentleman has in mind title II. If he will read title III, it specifically states that any alien who is at the time of his application for admission into the United States or who was at any time theretofore a member of any of the following-described classes, and so forth. I think that meets the gentleman's point.

Mr. RISK. Title II provides for exclusion of those who are applying for admission, and deportation after conviction of those already in the country of any of these violations

Mr. MARCANTONIO. Oh. no: they may be deported under that section if they belonged to any of the proscribed classes prior to entry.

Mr. CELLER. Will the gentleman yield?

Mr. RISK. I yield to the gentleman from New York.

Mr. CELLER. I may say as a member of the committee that the title to which the gentleman refers, title III, is retroactive and may apply to aliens no matter how long they may have been in this country in the past.

Mr. RISK. Mr. Chairman, it is hard for me to understand why anybody can vote against a measure like this.

Mr. O'CONNOR. Will the gentleman yield for an observation?

Mr. RISK. I will be glad to.

Mr. O'CONNOR. I am opposed to communism just as much as the genteman is, or any Member of this House, but as I read this bill I cannot get away from the fact that once having been a Communist, under the operation of this law, though it were many years in the past, he shall be deported. Is that right? Do we not write a law to the effect that we cannot forgive? That we do not believe in reformation?

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MILLER. Mr. Chairman, will the gentleman yield? Mr. RISK. I yield to the gentleman from Connecticut.

Mr. MILLER. With reference to these hypothetical cases that have been cited of a man being here from 2 to 10 years who was a Communist in Russia, may I say that if he were sincere in his desire to repudiate communism would he not have taken out his citizenship papers in that time?

Mr. RISK. He would already have had his citizenship

papers and would be a citizen by now.

Mr. O'CONNOR. Is it not a fact that under the operation of this bill a man could never live down the fact that he was a Communist?

Mr. RISK. Anyone who took advantage of the hospitality of the United States and was a Communist ought not to be

permitted to live it down. [Applause.]

Mr. O'CONNOR. Does not the gentleman believe a man ought to be forgiven for his sins? Does the gentleman want to deny Christianity? That is what you are doing in this bill. Are we going to legislate against the teachings of the Man from Galilee?

Mr. RISK. No; but can the gentleman reconcile communism with Christianity?

Mr. O'CONNOR. No; but Christianity is the teachings of Christ, who believed and taught forgiveness of sin.

Mr. RISK. Mr. Chairman, it is difficult for me to understand how any Member of this House can vote against this measure. It provides for a fine or imprisonment or both for any person who is convicted of any of the offenses enumerated therein, and for the deportation of any alien violating its provisions. Furthermore, it declares ineligible for Government service any person violating its provisions.

It seeks to punish those citizens who have so far forgotten themselves as to advocate the overthrow of our Government, and to deport those aliens guilty of subversive activities. What reasonable citizen can fail to see the justice contained

in the bill?

This country of ours is made up almost exclusively of men and women who ask only the privilege of making an honest living, and of giving to their children something a little better than they themselves had. Due to economic conditions over which they had no control, they found themselves stymied in their ambition when they either suffered great reductions in their incomes or lost their jobs entirely.

For the past 20 years or more there has been a movement in progress here admittedly designed to alter radically our representative form of government. We can see on all sides the effect of this movement. Up to the time when the last major depression came upon us, we were able to resist to a great extent the platitudes of those who were promising a utopia. But when our people are discouraged and disheartened at their prospects, when they find themselves out of work and forced to pocket their pride and ask for assistance from their Government, they are more susceptible to the wiles and the machinations of those forces seeking to tear down everything for which this country has fought for a century and a half. Aliens who have nothing in common with us have come within our borders and taken advantage of the tolerance of the American people to bore into the very vitals of American life. Law and order has no place in their conception of government, at least while they are here in the United States. We have for too long stood by and permitted them to grow stronger each day until now we are faced with a real threat, more of a threat to us. Mr. Chairman, than is the most warlike and aggressive foreign nation.

Let this measure become law, and with the information already in the hands of the Government as a result of the work of the Dies Committee and the Department of Justice. we can root cut these alien parasites and disturbers, send them back where they came from, and assure some measure of peace and contentment to our own free people. [Applause.1

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the

gentleman from Utah [Mr. MURDOCK].

Mr. MURDOCK of Utah. Mr. Chairman, I believe that I love my America just as much as any Member of this House. My ancestry goes back to the Revolution. I have ancestors that fought in the Revolution just as many of you here today have. I believe in our constitutional democracy. I believe that we must and should perpetuate it. I do not believe you can perpetuate American traditions and American principles, even in the name of patriotism, by resorting to the procedure of communism and fascism in order to enforce patriotism in the United States. which I believe you would be doing by the enactment of this

I have the highest respect for the gentleman from Alabama. I believe he is one of the finest lawyers I ever met and one of the greatest advocates who ever appeared on this floor. I know that notwithstanding his sincerity in his authorship of the Hobbs alien bill and notwithstanding his eloquence and sincerity in sponsoring this bill he gives me the right to my opinion and probably respects me in it.

Mr. HOBBS. Mr. Chairman, will the gentleman yield? Mr. MURDOCK of Utah. I yield to the gentleman from Alabama.

Mr. HOBBS. I may say that I certainly do-to the

Mr. MURDOCK of Utah. Much has been said here during the discussion that I intended to say. The only part of the bill to which, by reason of the short time I have, I can and wish to direct your attention at this time is section 2 of title III and especially the language on page 27 which has been referred to time and again. However, to make it emphatic and to impress you with its seriousness and its viciousness, I want to read it again:

It being the intent and purpose of this section that membership in any one of the classes of aliens enumerated in section 1 of this act, at any time, of no matter how short duration or how far in the past, irrespective of its termination or of how it may have ceased shall require deportation.

Mr. Chairman, have we come to the point in the United States when we, in my opinion, not only depart from Americanism but depart in that language from Christianity? One of the great underlying principles of Christianity is that if a man wants to repent, Christianity forgives him; but this language does not, it condemns him eternally. [Applause.]

Mr. GWYNNE. Mr. Chairman, will the gentleman yield? Mr. MURDOCK of Utah. I yield to the gentleman from Iowa.

Mr. GWYNNE. Does not the gentleman believe that language goes far beyond the necessities of the case?

Mr. MURDOCK of Utah. It goes so far that it is ridiculous. It goes so far that it is absurd. I understand, Mr. Chairman, that the distinguished lawyer, the gentleman from

Iowa [Mr. Gwynne] will offer an amendment to at least bring the language back within the scope of Christianity. As I am informed, the gentleman's amendment will do this: When a warrant is issued against any alien charging him with communism in the past, he shall have the right to show that in good faith he has renounced his affiliation with that party and has not done so simply to evade deportation. Do you want language to go further than that? Shall we depart from Christian principles and tell a man, even if he has been here for 10 years and has demonstrated his ambition to be an American citizen and a good one, and has demonstrated to his neighbors that he wants to do that, that he cannot do it under the laws of the United States simply because of a mistake of which he repents and asks forgiveness.

Mr. Chairman, if we adopt this type of language we had better send a commission to New York Harbor to shoot the light out of the hand of the Statue of Liberty and blot out the inscription engraved thereon and which our laws have honored for so many years:

Not like the brazen giant of Greek fame, with conquering limbs astride from land to land; here at our sea-washed, sunset gates shall stand a mighty woman with a torch, whose flame is the imprisoned lightning, and her name, "mother of exiles." From her beacon hand glows world-wide welcome; her mild eyes command the air-bridged harbor that twin cities frame. "Keep, ancient lands, your storied pomp!" cries she with silent lips. "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door!"

[Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. Burdick].

Mr. BURDICK. Mr. Chairman, before I can make up my mind to vote for this bill you will have to do something to the language on page 27, which reads:

It being the intent and purpose of this section that membership in any one of the classes of aliens enumerated in section 1 of this act, at any time, of no matter how short duration or how far in the past, irrespective of its termination or of how it may have ceased, shall require deportation.

There is some concern in this House about communism. I do not know of any place on earth where communism is being tried, and I do not believe any other Member of the House knows, either. There are various forms of communism. In Russia there have been four. The Kerenskyites are the ones who first overthrew the autocratic czarism of Russia, but they are now fugitives from justice. They do not dare go back. At one time they were not only Communists but the leaders of the Communist Party.

The second class is the Trotskyites, who led the Russian Government at one time. Today the Trotskyites are fugitives from justice, and many of the followers of Trotsky have been executed in Russia. I believe the record shows that about 3,000,000 men and women have been shot or are missing in Russia since the revolution began.

The Trotskyites in turn were succeeded by the Leninites. Fortunately for the name of Lenin, he died a natural death and became a hero of the Russian Government until very recently.

Lenin in turn was succeeded by Stalin, and his followers are known as Stalinites. They are the Government of Russia. It is a pure autocratic military regime, as all the others have been.

Mr. BOLLES. Mr. Chairman, will the gentleman yield? Mr. BURDICK. I yield.

Mr. BOLLES. Is it not true that all of them are based on the socialism of Karl Marx in his Communist Manifesto? Mr. BURDICK. The principles of Karl Marx or collec-

tivism have never been tried out as a pure theory anywhere.

The Stalinites are now, if you will notice the daily papers, rounding up the great leaders of the Lenin government, and

many of them are out to be shot.

Now, we will just imagine, under the terms of this bill, one of the Kerenskyites comes to the United States. He

has had all the communism he wants. He wants to become an American citizen; but under page 20 of your bill he does not have to carry a sawed-off shotgun or a machine gun to get into trouble. All that is required is that "any alien who within 5 years after entry becomes a public charge." He cannot make a go of it, just like about 14,000,000 of our citizens cannot make a go of it today, and just as soon as that happens and it is proven that at one time he belonged to the Kerenskyites, under the terms of your bill, he is to be expelled from this country, and, of course, returned to Stalin and shot.

Now, we will suppose a Trotskyite comes along. He has had all of the present regime of communism that he wants. He wants to find a new country. He wants to come to this country, as my ancestors did in 1617, and become a useful member of society. He tells the officials he is not a Communist, because he does not want to aline himself with the present Stalinites of Russia. He is admitted as a citizen, but he becomes poor after 5 years and becomes a public charge. Then it is proven that he was a member of the Trotsky Party, and under the terms of this bill he must be expelled, no matter how long before it was or whether he has recanted that particular "ism" or not. He will be handed over to Stalin and shot. So it is with the Leninites or with any other groups, and if you will look at page 20 you will see:

Any alien who within 5 years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing.

You cannot get me to vote for a bill that will permit murder by sending these men back to Russia. [Applause.] [Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, I am sincerely in favor of the objectives of the pending legislation. I say this, knowing full well that in certain quarters there is a disposition to treat lightly the consideration and the passage of such bills by this House.

I would not want to be misunderstood. I feel, as I am certain the large majority of Americans feel, that the naturalized citizens of this Republic are just as important to our Nation as are the native-born citizens. We are all descendants of those who came to our shores either at an early or a late date, and I feel that these individuals who come to America and embrace this country and its institutions of democracy are valuable and important to the Republic. [Applause.]

I congratulate those persons who appreciate the land to which they have come to live, and figures show that applications for naturalization are increasing. These men and women become splendid and law-abiding citizens and contribute to the betterment of the United States. These people are awakening to the fact that they must protect their good names and not allow undesirable aliens to besmirch their fine citizenship record.

I desire at this time to call attention to H. R. 4172, a measure which I introduced on February 15 of this year. The proposal calls for any alien who does not make declaration of intention to become a citizen of the United States within 1 year after he becomes eligible to make such declaration or within 1 year after the enactment of this act, whichever is the later, that individual shall be taken into custody and deported by the Secretary of Labor in accordance with the provisions of law relating to other deportable aliens.

Mr. MARCANTONIO and Mr. CELLER rose.

Mr. RANDOLPH. I would rather complete my statement, although I have no disposition to fail to answer any questions. I do want to make certain observations and I shall hope that later I shall have time to answer your questions.

I trust that it will be possible for this measure to be considered by the Committee on Immigration and Naturalization. I have been somewhat worried at the delay of the committee in calling a hearing to date. I have asked for it repeatedly, but I do not want to give the impression that I feel the com-

mittee has not acted in good faith. The chairman has promised me there will be a hearing upon this bill next week. A point of order could be raised if I were to attempt to offer it

as an amendment to the pending legislation.

I feel very strongly that in the United States there are literally millions and millions of individuals who are aliens through and through. In speaking of "aliens," I designate those persons who have entered our country legally or illegally. but who remain here and make no attempt to become citizens of the Nation to which they have come, and who are not willing to uphold the foundations of our system. They indicate no interest in the progress of America, and by the hundreds of thousands they have taken jobs in business and industry which rightfully belong to American workers. To me that is a clear-cut definition of an alien. We know as a matter of fact that there are those aliens in the United States today who accept the privileges, the profits, and the protection of America, but who at the same time accept none of the responsibilities of American citizenship. We should rid our land of such persons. [Applause.] They spread discord in the ranks of labor, they cause unnecessary strikes, and they do not uphold the democratic institutions of this Republic. That is the reason that I am in favor of the objectives of a measure such as we have before us, mindful, of course, that when the bill is read under the 5-minute rule there will perhaps be written in amendments that will make the legislation more acceptable to Congress. I now yield to the gentleman from New York.

Mr. MARCANTONIO. Mr. Chairman, the gentleman would require that all aliens must make a declaration of intention within 1 year after they come to the country.

Mr. RANDOLPH. Yes; that is true.

Mr. MARCANTONIO. And that is for the purpose of seeing to it that the people who come to this country become American citizens?

Mr. RANDOLPH. Yes. Using the words of George Washington: "Citizens by birth or choice of a common country, that country has a right to concentrate your affections."

Mr. MARCANTONIO. That is the gentleman's motive?

Mr. RANDOLPH. Yes; it certainly is my hope that native-born and naturalized citizens unite to protect themselves.

Mr. MARCANTONIO. Does the gentleman provide any penalty in his bill for those district court judges who ask questions of aliens that even Members of the Supreme Court cannot answer, in order to deprive the alien of opportunity to become a citizen of the United States.

Mr. RANDOLPH. I believe those individuals who apply for citizenship should be given an opportunity to fairly present themselves to a court that will be just and helpful.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. Yes; I yield gladly to one who believes in America for Americans.

Mr. KEEFE. Is it not a fact that in the application for first papers no such examination is necessary? The examination comes on final naturalization.

Mr. MARCANTONIO. I was referring to final papers.

Mr. KEEFE. Then the gentleman's inquiry was not pertinent to this bill.

Mr. MARCANTONIO. It is pertinent to naturalization and therefore pertinent to the gentleman's bill.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. GUYER of Kansas. Mr. Chairman, I yield now to the gentleman from Michigan [Mr. BLACKNEY].

Mr. BLACKNEY. Mr. Chairman, I am earnestly in favor of H. R. 5138, a bill known as the Smith alien bill, which possesses many meritorious provisions and, in my judgment, should be passed by this Congress.

This bill is not aimed at aliens who are lawfully here and who are desirous of becoming American citizens, and will not interfere in the slightest with those aliens lawfully entered, who believe in American institutions and in American principles; but it is aimed at those radical aliens who have en-

tered this country illegally, who are not in sympathy with American principles and American institutions, whose desire is to subvert our form of government and, in its place, substitute a radical form of government.

The problem of immigration has always been a vital issue in America, but is more vital today than ever before in our history. Since 1820, 38,000,000 aliens have entered the United States legally as immigrants. Most of these people who have come here have made fine contributions to America. They deserve honor and credit for it. On the other hand, it has been estimated that there are over 2,000,000 aliens in this country who have entered unlawfully, thousands of whom have been and many of whom are still, on Government relief. Within 30 days after Congress passed the last relief bill more than 30,000 aliens were dropped from our relief rolls, and there are reasons to believe that many thousands more are still on the rolls at the expense of the overburdened American taxpayer.

It becomes necessary for the United States to give its first thought to our own citizens, both native-born and naturalized. We must find jobs and opportunities for those who have a rightful claim to the benefits and blessings of American citizenship; but our country now has reached the condition where unlimited immigration is no longer possible. Our house is full, and our first thought, therefore, must be for our own citizens.

Despite existing restrictions placed on the flow of aliens, our immigration laws are filled with loopholes. Countless thousands are coming in illegally. We have shown sympathy for undesirable aliens who have flouted our laws and our institutions. We have no adequate check on aliens who come in on temporary permits. We permit alien groups to organize and undermine our institutions and complicate our own domestic problems.

It is not definitely known how many aliens we have in this country who have entered unlawfully, and the only way to determine that fact is by rigid registration of all aliens in the United States. Under existing laws we cannot deport aliens who entered unlawfully prior to 1924, unless it can be shown that they have been guilty of crime involving moral turpitude.

The first title of this bill is one which provides that it shall be unlawful to spread sedition through the Army and Navy of the United States. That bill was drafted and sent to the committee by the Navy Department and is included in this bill. Representatives from both the Army and Navy urged the adoption of this bill, because the ill effect of allowing communistic propaganda to be circulated in the Army and Navy was already proving disastrous.

Title II of the bill amends the law for the deportation of criminal aliens and adds several classes to the deportable criminal-alien class. To illustrate, it adds to that class those who are found guilty of carrying machine guns and sawed-off shotguns in violation of the law. I cannot conceive that any Member of Congress should object to the deportation of those folks who come here from foreign countries and indulge in the use of machine guns and sawed-off shotguns upon our population. It also adds those people who violate State narcotic laws.

Title III amends existing law and takes care of the unfortunate situation in the Strecker case. You will recall that the Court held that a man could be a member of a party which advocated the overthrow of the Government of the United States, but could not be deported unless he was a member of that party at the time he was arrested for deportation. This amendment changes that so as to avoid the situation where a person, who, upon being suspected, could resign from that organization and say, "I was formerly a member of that organization, but I have now resigned."

This is exactly the situation under the law in the Strecker case. This bill makes it plain that a person who advocates the overthrow of this Government by force, and belongs to a party that recommends it, shall be deported, whether he belongs to it now, or whether he belonged to it yesterday or last year, if he is an alien. I think this is a fair and square issue and those Congressmen who favor the deportation of

aliens advocating the overthrow of this Government by force ought to vote for this bill.

The last title of the bill provides for the fingerprinting of those aliens who come to this country. I can see no reason why anyone should object to that. Why should not these aliens be fingerprinted? We fingerprinted our soldiers during the World War and again fingerprinted them when they applied for their adjusted-service compensation. Fingerprinting is becoming popular among all classes of our citizenship as a matter of protection. No alien coming to this country with proper intentions and with a desire to conform to American institutions should object to being fingerprinted.

There has been a great deal of maudlin sentiment manifested toward aliens unlawfully here and several Members have spoken on the floor of the House, shedding tears over the dire calamity that will result if this bill goes into effect. The time has come in America when red-blooded American citizens should have the courage to stand up for those great principles of America which have changed us from a nation

of 3,000,000 to a nation of 130,000,000.

If these communistic, disgruntled radicals who refuse to become American citizens do not like our country, let them return to the land that gave them birth. America has welcomed in the past those citizens of foreign countries who came to our shores imbued with the idea of becoming American citizens and loyal to the flag and the Constitution. Those are still welcome, but the other group of aliens now numbering approximately 2,000,000, who are here unlawfully, thousands of them not desirous of becoming American citizens, thousands of them preaching their gospel of hate, communism, and radicalism—that group should be deported and if this bill is adopted methods of deportation will be greatly

One of my colleagues, the gentleman from California [Mr. GEYER], stated on the floor of the House that he would vote for this bill if he could forget that his grandparents were aliens, if he could forget that there were Members of the House who have been aliens, if he could forget that the Nation had been built largely by the work and help of aliens,

and if he could forget his oath of office.

Let me state to my colleague that the very facts he has enunciated should be conclusive evidence to him that he should vote for this bill, because I assume that his grandparents were aliens who came to this country to be American citizens, who became lovers of our country, its flag, and its Constitution. He should vote for this bill because, granting his premise that our Nation has been built largely by the work and the help of aliens, these aliens were the type of aliens who become American citizens and who, when they took the constitutional oath to preserve, protect, and to defend the Constitution, meant exactly what they said; and then, my colleague should vote for this bill because when he took the oath of office on the floor of the House as a Congressman, he then, himself, said that he would preserve, protect, and defend the Constitution. How can he preserve, protect, and defend the Constitution if he sits idly by while thousands of radicals endeavor to overthrow this Government and he does nothing about it?

There are from six to seven million aliens in this country today who have shown no tendency or disposition to become American citizens. This is an unhealthy situation which should be corrected. I favor legislation that will give these aliens a reasonable time in which to make up their minds as to whether they want to become American citizens, and at the expiration of that time, if they have made no move to become naturalized, I favor deporting them to the country from whence they came. They are receiving all of the benefits which our citizens enjoy, without assuming any of the hardships and responsibilities. This is manifestly unfair.

The American Legion, the Veterans of Foreign Wars, and all veterans' organizations are in favor of legislation along the line indicated. It is a fine thing for this country today that our veteran organizations throughout the land are taking such a pronounced stand upon Americanization. These veterans are literally soldiers of peace, as they formerly were soldiers of war. They recognize the proposition that these aliens unlawfully here, preaching their nauseating doctrine of hate, should be deported. These veterans fought to preserve the flag and the Constitution, and they are now fighting to maintain that same flag and that same Constitution in perpetuity. For that reason they believe in the deportation of radical aliens who are opposed to American principles and American Government.

I am opposed to all foreign "isms" and un-American groups which enjoy the privileges of America and, at the same time, seek to undermine our Government. I shall vote for H. R. 5138. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes

to the gentleman from Kentucky [Mr. Robsion].

Mr. ROBSION of Kentucky. Mr. Chairman, we have before us H. R. 5138, known as the Smith bill. It seeks to accomplish three things:

First. To make it unlawful for anyone to distribute any book, pamphlet, paper, article, letter, or other writing among the Army, Navy, Marine Corps, or Coast Guard of the United States with the intent and purpose to interfere with, impair, or break down the morale or discipline of the armed forces of the United States.

Second. It provides for the deportation of (a) aliens who are anarchists; (b) aliens who advise, advocate, or teach or who are members of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government; (c) aliens who advise, advocate, or teach or belong to organizations, associations, societies, or groups that believe in or advise, advocate, or teach the overthrow by force or violence of the Government of the United States, or of all forms of government, or the assaulting or killing of the officers of the United States, or who favor the unlawful damage, injury, or destruction of property or sabotage; (d) aliens who write, publish, or cause to be written or published or who knowingly circulate, print, distribute, or display letters, papers, or documents teaching opposition to all organized government or advocate the overthrow of the Government of the United States or all forms of law, or the necessity or propriety of the unlawful assaulting or killing of the officers of the United States.

Third. It provides that our consular officers in foreign countries shall not issue a visa to any alien seeking to enter the United States unless such alien has been fingerprinted and a careful check-up made to find out whether such alien has a criminal record in the country from which he comes.

I favor the objectives sought in this bill. Those in charge of our armed forces have become alarmed. They say that Communists and other organizations are flooding the ships, barracks, Army and Navy posts with subversive literature, and are seeking to break down the morale of the armed forces of our country. This is a policy that has been pursued for a long time by Communists, anarchists, and others whose purpose is to overthrow this Government. We are now spending approximately \$2,000,000,000 annually to build up the Army, Navy, Marine Corps, and Coast Guard to defend effectively our country if assailed. Millions are being spent every year to instruct our young men and women in our defense program, in Americanism, patriotism, and loyalty to this country and to those in charge of our armed forces. Now why should we permit these Communists, anarchists, and other subversive groups to distribute their un-American and poisonous literature among our armed forces? We might as well take poisonous reptiles into our own households and among our own wives and children as to permit this conduct on the part of the enemies of our Government and our country.

ONLY ENEMY OR CRIMINAL ALIENS CAN BE DEPORTED

Title II of the bill applies solely and only to the deportation of enemy or criminal aliens. It provides that any time within 5 years after entry, any alien who is a member of one or more of the classes excluded by law-that is, anarchists, Communists, aliens convicted of crimes, and so forth-or any alien who at any time after entry knowingly or for gain shall have encouraged, induced, or assisted any other alien to enter the United States in violation of law, or any alien that is a foreign spy or belongs to any society, organization, or group seeking to change the character of the United States Government, or who has been convicted of violation of the narcotics laws or who at any time after entry possesses or carries any weapon without legal authority which shoots automatically or semiautomatically without manual reloading or that carries or has a sawed-off shotgun or who advocates the unlawful destruction of property or the teaching of anarchy or the overthrow by violence of the United States, and so forth, may be deported.

The acting chairman of the Committee on the Judiciary, my friend, Mr. Celler, of New York City, in his opposition to this bill expressed concern that some alien hunting in this country might be picked up and deported. This bill only reaches the alien who possesses or carries any weapon without legal authority, such as a machine gun or sawed-off shotgun. Well, we go hunting sometimes down in Kentucky, but we never go hunting with a machine gun or a sawed-off shot-When a fellow does that down in Kentucky we know he is hunting for something besides rabbits or birds. He is hunting banks and their officers and deposits. He is hunting for two-legged game, not squirrels, rabbits, or birds. Perhaps in New York City they do hunt with machine guns and sawed-off shotguns. [Laughter.] Almost daily we read in the press of such hunting in New York City, but the newspaper reports indicate that people are killed and not birds or rabbits.

Mr. CELLER. Mr. Chairman, will the gentleman yield? Mr. ROBSION of Kentucky. My time is limited, as you

Mr. CELLER. Oh, yield just briefly.

Mr. ROBSION of Kentucky. Well, if the gentleman can explain how they hunt rabbits and other game in New York City with machine guns and sawed-off shotguns, I yield for that purpose. [Applause.]

Mr. CELLER. I just wanted to explain how they hunt in

Harlan County, Ky.

Mr. ROBSION of Kentucky. If machine guns and sawed-off shotguns are ever used in Kentucky, they are not looking for rabbits or birds. If we had in Kentucky as many gang murders, bank hold-ups, kidnapings, and gang killings as they have in my friend's city of New York, and as many anarchists and Communists, I would say nothing about Harlan or any other county.

This bill expressly provides that an alien can be possessed of a weapon without deportation, provided it is not unlawful in his home State to have the weapon in possession. If the State of New York permits aliens to possess machine guns and sawed-off shotguns, the alien could not be deported under this bill for possessing such weapons. We take the position that a good, law-abiding alien does not need machine guns or sawed-off shotguns in this country. Such weapons are used to hold up banks, kill the officials, to rob trains and express offices, to kill officers of the law, to kidnap, and engage in gang murders. Aliens are in this country by permission and sufferance of the American people, and we say in this bill that they cannot arm themselves in violation of State laws with machine guns and sawed-off shotguns to the terror of law-abiding aliens and law-abiding citizens.

ALIEN COMMUNISTS AND ANARCHISTS MAY BE DEPORTED

Title III of the bill authorizes the deportation of aliens who were at the time of their admission into the United States or who were at any time theretofore anarchists or who advise, advocate, or teach or who are members of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government, or aliens who believe themselves, or belong to an organization that advocates the overthrow of this Government by force or the assassination of the officers of this Government, or aliens who write, publish, or cause to be written or published or distributed letters, books, or articles advocating those very things.

Strange to say, there is opposition to the provisions of this real American bill in the House of Representatives. I cannot understand why such aliens should not be deported. How can this country be benefited by keeping them here?

They object most seriously to the provision of the bill giving the right to deport aliens "who were at any time before their entry into the United States anarchists, Communists," and so forth. They urge that these persons might have been anarchists or Communists in their home countries, but after coming here they may no longer be anarchists or Communists.

If these aliens told the truth when they were admitted, they would not have been admitted. They could not have been anarchists in their home countries and been admitted into this country. They had to say that they were not Communists or anarchists. They had to say they were not opposed to all organized government. They had to say that they did not believe in the overthrow of this Government by force or violence or in the assassination of our Government officials. The truth is, they said just the opposite. If they were Communists or anarchists of that ilk, or enemies to all organized government and enemies of this Government, they lied to get into the United States, and therefore we should not hesitate to send them back.

Those opposing this bill want the law to remain as it is. It provides for the deportation of Communists, anarchists, and so forth, but a recent decision of the Supreme Court in the noted Strecker deportation case held that the Government would have to prove that these aliens were anarchists or Communists at the time deportation proceedings were instituted. These Communists and anarchists and other such groups seeking to overthrow this Government, found a way to get around the law. Their leaders advised their members to say when they were arrested, "Yes, we did belong to the Communists or anarchists, but some time ago we resigned. We decided not to belong to the organization any longer."

Strecker, a Communist alien, was apprehended. He readily admitted that he had been a Communist, he had his membership card, but claimed that he had recently resigned from that party. The Supreme Court held that in view of that statement Strecker could not be deported.

The alien, Harry Bridges, whose deportation has been urged by the American Legion, other veteran organizations, and hundreds of organizations and patriotic groups in this country, hopes to remain in this country under the ruling of the Supreme Court in the Strecker case. The Government has introduced many witnesses to show that Bridges is a Communist, but, of course, the Government cannot prove that at the very time he was arrested that he was a Communist

This law provides that the alien, Harry Bridges, and any other alien Communist or anarchist may be deported if it can be shown that he or they were members at any time of these organizations such as anarchists or Communists that advocate the overthrow of this Government by violence or favor the assassination of our public officials. Without this new law, anarchists, Communists, and other like organizations will continue to flourish and grow and endanger the very life of this Nation, its citizens, and their property.

There are many times more people in countries across the seas that want to come to this country than can come. They have never been anarchists or Communists. If we are going to let aliens come, let us select those who believe in organized government, those who do not favor the overthrow of this Government by force or violence, or the destruction of people's property in violation of law, or the assassination of our public officials.

Let us bear in mind that an alien is merely our guest. What would you think of a fellow who comes to your home as your guest and you warm him and take care of him and while he is there in your home he secretly advocates the overthrow of your home and the destruction of your family and your property? You would throw him out on his head if you were any sort of a man. That is the very thing we are proposing to do here for our country. We say to these people who would overthrow our Government, assassinate

our officials, and destroy our property, "You cannot come, and if you lie and deceive and get in, we will throw you out." [Applause.]

FINGERPRINTING ALIENS BEFORE THEY ENTER

Title IV of the bill provides that our American consuls in foreign countries cannot grant a visa for any alien to come to the United States, even under the quotas, unless such alien is fingerprinted and a copy of the record sent to the United States and kept on file. It is through this fingerprinting that we can detect criminal aliens in foreign countries who are trying to come into this country. A decent, upstanding alien trying to get into this country should not object to this fingerprinting. If he is a criminal, we are entitled to take this precaution in order to protect our own country and our citizens.

In fact, it seems to me every alien in this country should be required to be registered. We have millions of aliens and many of them criminals who have slipped into this country in violation of law. They committed felonies to do so. We should require aliens to be registered so that we can find out what aliens are in this country legally and what aliens are here illegally, and then we could keep track of them. Hauptmann, who kidnaped and murdered the Lindbergh baby, had committed a number of felonies in Germany, escaped from Germany, and slipped into this country in violation of law. If he had been required to register, we might have avoided that terrible crime, as well as other bad crimes committed by criminal aliens.

The deportation provisions of this bill only apply to criminal aliens or to aliens who are Communists, anarchists, and so forth. They could not apply to either a naturalized or native-born citizen. Neither could they apply to any alien who got into this country legally, who is not a criminal, and who does not belong to such organizations as anarchists and Communists.

This bill, from beginning to end, is in the interest of our people and our country as a whole. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent, before I proceed, that the Clerk may read a letter written by the former chairman of the Rules Committee, Mr. John J. O'Connor, to the Vice President of the United States.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

JULY 28, 1939.

Hon. John N. Garner, Vice President of the United States,

Capitol, Washington, D. C.

Dear Mr. Vice President: God love you and preserve you.

The vicious attack on you by J. Lewellyn Lewis, American No. 2—I put his Communist associates as No. 1-only endear you all the more to the people of our country. America's

While the press carried in detail his intemperate remarks about you, I know they would never print how he characterizes the you, I know they would never print how he characterizes the President of the United States, and this, despite the fact that he is still a "white-haired boy" at the White House, and can protrude his bushy eyebrows through even the kitchen door. What the President now says about his ex-pet, Lewis, would likewise be unprintable, but still they mest, and Lewis "lays down the law."

For years I pleaded with the President to free the Democratic Party of this \$500,000 mortgage holder. The President then resented any criticism of the man he had taken up on the mountain and made king of all he surveyed.

Incidentally, the only times I ever met Lewis were at cocktail parties.

But that Lewis was made a "big shot" by the President and the administration, was proven many times. You will recall when he took possession of the office of the Speaker of the House of Representatives of the United States, Likewise, you will recall when, with administration support, he stood in the lobby, just inside of the House of Representatives of the United States, and defeated an innocent resolution to investigate the "cause" of "sit-down strikes."

All he has ever had are evelyows and bluster. Maybe he has

All he has ever had are eyebrows and bluster. Maybe he has tried to imitate you as to the former, but it is a poor copy.

Leaving out the eyebrows, which no barber has ever been permitted to touch, the bluster is his only claim to fame. It's a big bluff, but he has been getting away with it for years, especially with some "leaders" of the House and some Senators, whom has "buffalced."

"Pill" Hytthinger, of the Corporator, colled his buffalced."

"Bill" Hutchinson, of the Carpenters, called his bluff at Atlantic City, and if a 10-year-old boy took a swing at him, he'd run to one of his chauffeurs of his Cadillac cars and retire to his \$100,000 colonial mansion in Alexandria, Va.

It is almost time his bluff was called. Go at him. Pull no punches. America stands behind you.

With warm personal regards, I am Sincerely yours,

JOHN.

Mr. MURDOCK of Utah (interrupting the reading of the letter). Mr. Chairman, I make the point of order that the gentleman from Michigan [Mr. Hoffman] did not get consent to proceed out of order, and when he asked that the letter be read, I assumed it was pertinent to the debate here on the pending bill. I now make the point of order that it is not.

The CHAIRMAN (Mr. CHAPMAN). The gentleman from Michigan obtained unanimous consent that the letter be read, and stated the name of the person who wrote the letter. The point of order is overruled.

Mr. CELLER. Mr. Chairman, he did not state the purport or intent of the letter.

The CHAIRMAN. All the gentleman from Michigan said was that it was a letter written by a former Member from New York, Mr. O'Connor, and asked unanimous consent that it be read by the Clerk. That unanimous consent was granted.

Mr. MURDOCK of Utah. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK of Utah. Does not a Member have the right to assume that when a unanimous-consent request is made to have a letter read, that the letter is pertinent to the debate being carried on at the time on the floor?

The CHAIRMAN. Any member of the Committee had the right, when the request was made, to reserve the right to object and to interrogate the gentleman from Michigan as to the contents of the letter.

The Clerk will read.

The Clerk concluded the reading of the letter. [Applause.]

The CHAIRMAN. The gentleman from Michigan IMr. HOFFMAN] is recognized.

Mr. GEYER of California. Will the gentleman yield?

Mr. HOFFMAN. Not at present.

The bill under consideration, if enacted and enforced, would probably rid us of many of those who are causing a great deal of trouble. It is doubtful if it goes far enough. In my judgment, if it were germane, it should be amended so as to curb in some way the activities of those who are denying civil liberties to hundreds of thousands of American citizens. [Applause.]

I am glad the gentleman from California [Mr. GEYER] applauds. I hope the gentleman will listen to what Mr. Lewis, to whom Mr. O'Connor referred in his letter, and those who believe as does Mr. Lewis have accomplished and are trying to accomplish throughout this country of ours. Listen to and consider these instances, where American citizens-not criminal aliens, but American citizens-have been and are deprived of their civil liberties.

Here is a letter which came in yesterday morning from Glassport, Pa.; that is in Allegheny County; and it carries this information-and I quote:

When the Irvin Works was built across the river a common laborer paid \$25, an electrician \$90, a steam fitter \$125, an erection machinist \$110, for a card which simply gave him the right to

work on the job.
On the road being built on the old West Penn right-of-way common labor must pay \$15 for a job.

The author of this letter is an ordinary, average, patriotic American, who loves his country; who has been trying to carry on in spite of the activities of those who would destroy our industries, bring want and confusion, to the end that the overthrow of our form of government may be more easily accomplished.

In the last paragraph of this gentleman's letter-and let me repeat—he is an average, patriotic, God-fearing, libertyloving American, he voices his fears in this language:

Sometimes I wonder if the time has not come to organize what patriotic citizens are left and take over long enough to liquidate

the parlor pinks in Washington and elsewhere and restore the Constitution to the people.

Now, you who have been talking about revolution if certain pressure groups do not have their way; who have been threatening dire things to this Republic of ours if the Communists were not permitted to carry on their activities unhindered, unhampered, pause and consider the statement made by this man. And consider, too, that it is but one of many which have come to me in recent months.

For overlong, blustering John L. Lewis has acted on the theory that he had a monopoly of headcracking; that it was his privilege to destroy civil liberty whenever and wherever it suited his purpose; that it was his function to determine who should work and on what terms and conditions they should work.

John has invaded the White House. He goes in and out. He has the ear of the President. Unrebuked, he has demanded that the President back his, Lewis' will on certain occasions. This last outburst of his occurred when he went before the House Committee on Labor to oppose amendments to the wage-hour law which would have exempted the operators of small telephone exchanges, certain employees of small newspapers, and certain farm labor.

Not content with voicing his opposition to these amendments, angered, he made a vicious assault upon the personal character of the Vice President. The incident reveals just how far along the road to an absolute dictatorship over labor Lewis conceives himself to have traveled.

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I asked that the letter be read without being taken out of my time.

Mr. GEYER of California. I object.

The CHAIRMAN. The Chair did not so understand the gentleman's request. It was taken out of the gentleman's time

Mr. GUYER of Kansas. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan.

Mr. HOFFMAN. Out in California, the gentleman's own State—now, get this—

Mr. GEYER of California. The gentleman is listening.

Mr. HOFFMAN. Daniel F. Ryan, in Marin County, Calif., had 180 cows. He had 6 men who wanted to do the milking; men who were satisfied with their jobs; men whose employer was satisfied with them. Then along came the union organizers and insisted that the farm hands join the union. The men, being satisfied with their jobs, refused.

Then the organizers went to the farmer, presented him with a union contract, told him that if he wanted to market his milk he must sign a contract that only those who belonged to their organization could milk his cows. He told them that if the boys wanted to join, that was their business; that if they did not want to join, he would not force them to join, pay a membership fee and monthly dues.

The organizers told the farmer that unless he signed, compelled his men to join, his milk would be declared "hot." Following his refusal, union teamsters refused to draw his milk to the city, saying they were sorry but had been forbidden by their organization to haul it.

The farmer got his milk to the plant by the aid of independent drivers, and then was told by the Borden Co. that they could not handle it because it was not brought in by union truckers.

For 600 days this farmer suffered a loss of \$37.50 per day because he could not market his milk with the Borden Co. The farmer sued the union and recovered a judgment of some \$22,000 against it, and, I understand, certain individual members. Then the judge before whom the case was tried was appointed to an official position, and just before he took office caused the judgment to be vacated, and the farmer is back where he started.

Out on the west coast the Associated Farmers are fighting this idea that only those who belong to a particular union shall have the privilege of earning a livelihood. The farmers have the milk. Their organization at one time controlled some 90 percent of the milk which went into San Francisco, and yet the truck drivers and their affiliates insist that before that milk can reach the babies and the mothers of San Francisco, upon it must be levied tribute; that it must pass through their hands; that they must "get theirs" before the babies and the mothers receive the necessary food.

Just how long are we to submit to this organized group which is demanding that, whether its services are needed or not, it must levy and collect a charge upon the results of the labor of everyone else?

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. SCHAFER of Wisconsin. I notice in the press of July 28 that our Democratic colleague, the gentleman from Misscuri [Mr. Anderson], said that "Lewis has raped the Democratic Party and is preparing to return to his first love, the Republican Party." I do not see how the Democratic Party can cry "rape" when the Democratic Party has sold itself to Lewis for 500,000 pieces of silver—his \$500,000 political campaign contribution.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. For a question; yes.

Mr. GEYER of California. I want to ask the gentleman if he will be kind enough to tell about our vicious Milk Trust in California in order that we may have both sides of the question?

Mr. HOFFMAN. I suggest that the gentleman tell about it himself. What I am talking about now is the teamsters union which will not let babies and women in San Francisco have milk until they have the privilege of drawing it in there, until they have added to the cost of every drop that reaches the baby's bottle.

Mr. GEYER of California. But the gentleman is telling one side of the story only.

Mr. HOFFMAN. This is the side that is important now, and if the gentleman can find any justification for any union stepping in between the farmer who has milk to sell and the mother and the baby who needs it and making it more difficult for that baby and that mother to get a necessity upon which their lives depend, by imposing a charge for a service which is not necessary, he has had ample time during this session—he will have ample time before it closes—to give us his views on the floor of the House.

Mr. GEYER of California. There is another side to the teamsters union.

Mr. HOFFMAN. Mr. Chairman, I do not yield further to the gentleman.

Mr. PATRICK. Mr. Chairman, will the gentleman yield? Mr. HOFFMAN. I yield.

Mr. PATRICK. He came over to us from the Republicans. Do you want to take him back now—John Lewis?

Mr. HOFFMAN. But you got \$470,000 with him, remember that.

Mr. PATRICK. That is true. If we give you back that money, would you want him back?

Mr. HOFFMAN. No, no. We know that he has been playing around with the President; that he made that campaign contribution of almost a half milion dollars to the New Deal campaign fund. We know that he expected to get something for it. We know that he has twice called upon the President to pay back that political debt, and on each occasion has received a substantial payment through administration aid, as in the sit-down strikes in Michigan and in the settlement of the soft-coal controversy between his union and the operators.

But apparently Lewis thinks he has been deceived; that he has been sold down the river. One day, figuratively speaking, he damns the President; the next he is invited down to the White House or to some social function, and evidently soothed by a cocktail or two, or perhaps by the dinner clothes which he wears, in contrast to the garb of his miners, is again cheek by jowl with the President.

If Lewis has discovered that he has been deceived, that he was cheated in the bargain which he thinks he made, or if

he has repented and has learned at last that only under Republican principles and a Republican administration prosperity will return to the country and members of his unions have steady jobs in private employment, let him come back. If he has learned all that and is willing to forego his un-American demands for the collection of revenue from men who must earn their living by their daily toil, I have no doubt but that he and all of his followers who are thoroughly convinced that the safe and sound, just, fair, and equitable principles on which our Republic is founded are the only ones which will serve us in time of need as well as in time of prosperity, all will be welcomed back. Most assuredly, the gates should not be closed in the face of any who at last has seen the light and is willing to be good. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, we started out discussing a very serious question and the debate was being conducted on a very high level by both the proponents and the opponents of this measure. Most unfortunately, however, we have just now had some monkeyshines from the gentleman from Michigan. Now that they are over I do hope it will not be too difficult for the Committee to come back to the bill under consideration.

Mr. O'TOOLE. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. O'TOOLE. I think the gentleman will admit that the remarks and the actions of the gentleman from Michigan today show the sterility of the Republican Party; having had to use the help of a Tammany Hall Democrat when he needed support, one whom he bitterly despised when Mr. O'Connor was a Member of this House, as an agent to attack the things we stand for?

Mr. MARCANTONIO. Political lines are becoming rather confused nowadays. It is very difficult to tell who is a Republican and who is a Democrat in this House. We do know one thing, however, and that is it is very easy to tell who in the House is a Tory and who in the House is a liberal. That is the realinement which is taking place as we approach the elections of 1940. [Applause.]

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. GAVAGAN. The gentleman recalls the fact, of course, that the letter read to us was written by Mr. O'Connor, of New York, who was defeated in his campaign for reelection, defeated by the people of his own district.

Mr. MARCANTONIO. And with the help of my party—the American Labor Party. Incidentally, as the Republicans and Democrats are going to caucus this afternoon and evening, I announce that my party will hold its caucus tonight after the Democrats have concluded. [Laughter and ap-

plause.]

Mr. Chairman, there is one section in this bill which proerly gives one the right to characterize it as a Gestapo bill.
The Gestapo, for the information of the gentleman from
Michigan [Mr. Hoffman] and the other gentlemen of this
House who would substitute a native Gestapo for our democracy, is that secret police organization which raids a
man's home in Nazi Germany, takes his property and his
family away from him, arrests him without cause, and very
often returns the man in the form of ashes in an urn to his
family. The same Gestapo has burned the books and other
precious literature of Germany. What the Gestapo has done
and is doing in Nazi Germany can be repeated under the provisions of this bill. It can happen here and it will if we do
not prevent it. I call your attention to title I of this bill on
page 17.

Title I says:

It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the Army or the Navy—

And so forth. Section 2 of that title states:

Any book, pamphlet, paper, print, article, letter, or other writing of the character described in section 1 of this act may be taken from

any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant issued pursuant to the provisions of title I of the act entitled "An act to punish acts of interference with the foreign relations"—

And so forth. Who issues a search warrant? Every lawyer in this House knows that a search warrant is in all cases, with the exception of very rare instances, issued by a commissioner of the district court. Let us assume that some one has in his home, for instance, All Quiet on the Western Front. There you have a book that is opposed to war. It is a book that describes the horrors of war. Some sergeant of the Army who might think in the same manner as many of the gentlemen of this House, who believe that free speech and the Bill of Rights should be something of the past, can go to a district commissioner with an affidavit and say, "John Jones, in his home, has a book which tends to impair the morale of the United States Army and the United States Navy."

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MARCANTONIO. Mr. Chairman, they can go into that home with a search warrant issued in that manner and confiscate any book, writing, or literature, arrest the person,

and subject him to all types of persecution.

The Army and Navy do not need this Gestapo law. The men of the Army and Navy are loyal. They are loyal to the United States and they are loyal to the democracy of this country. Court martial and military procedure can handle those who are disloyal. But here you are putting into this bill the same tory political philosophy that this Congress has been legislating into law ever since its inception, a reactionary philosophy, a Bourbon philosophy that has crucified the unemployed of this Nation, assaulted the rights of American labor, a philosophy which is aimed at the Bill of Rights, a philosophy which will go down to the everlasting shame of the Seventy-sixth Congress. [Applause.]

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Thomas F. Ford].

Mr. THOMAS F. FORD. Mr. Chairman, I have a very brief statement to make. If we will refer to page 27, lines 3 to 7, and cut two words out, "of aliens," we will have a beautiful description of absolutism as practiced by the totalitarian powers. It only requires the cutting out of two words to make it that.

There is no use arguing against this bill. It will pass. I am satisfied in my own mind that the mood of this House is such that if you brought in the Ten Commandments today and asked for their repeal and attached to that request an alien law, you could get it. [Applause.]

I am opposed to this bill because I believe in the Bill of Rights, which refers to persons and guarantees to persons certain liberties which this bill seeks to deny.

It is un-American, undemocratic, and, in my view, unconstitutional.

Mr. GUYER of Kansas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Leland M. Ford].

Mr. LELAND M. FORD. Mr. Chairman, following so closely my colleague [Thomas F. Ford], who has asked that our names be distinguished, may I say it will be a great deal of pleasure to me after that speech to have my name distinguished from his. [Applause.]

I cannot see why any alien should object to the things that are contained in this bill unless he intends to engage in some of the things enumerated in the bill as follows, and I am going to ask a question. Do they want to come into this country and aid and abet other aliens to get in here illegally? Is that why they object?

Do they want to engage in espionage for a foreign government or be engaged by an international political agency seeking to change the character of the Government of the United States? I think we have too many of those kind of people in here already.

Do they want to engage in the peddling of narcotics, or engage in an act which would be a violation of the narcotic law?

Do they want to carry lethal weapons, sawed-off shotguns, and so forth equipped with Maxim silencers? Do they want to advocate the teaching of anarchy? Do they want to break the laws of this country?

Mr. Chairman, I do not see any good answer to those questions. If any alien wants to come into this country and engage in any such practices, I say that we had better keep him out of here, and I say further, with reference to page 27, that any alien who comes into this country with the idea of preaching a philosophy that would destroy our Government certainly should be kept out. I say it is a good law and I congratulate the author. I hope it will pass as

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. Bolles].

Mr. BOLLES. Mr. Chairman, I was much interested in what the gentleman from North Dakota [Mr. BURDICK] said in reference to communism and the history of communism. The whole basis of the Russian theory of government at this time, and from its establishment following the Kerensky break-down, is that of Karl Marx. Karl Marx was the father of the present idea of communism. It is embraced in this book called The Communist Manifesto. It is all those things which they have attempted in Russia to carry out into a regular governmental situation. It does not believe in religion. It says that religion is the opium of the people. Any visitor to Moscow today will find engraved upon the Kremlin that "Religion is the opium of the people." It discourages any reference to the name of God.

Mr. Chairman, I hold in my hand Earl Browder's latest book. If Earl Browder were in Russia, and if he had attempted to write a book of this character, opposing the Stalin government, he would be shot not only at sunrise but probably in the afternoon as well. He says:

probably in the afternoon as well. He says:

Lenin always insisted on facing reality; he was the uncompromising foe of utopianism and wishful thinking. It is with this Leninist attitude that we Communists guard against any exaggeration of our party's influence, that we guard against placing immediate tasks which are not matured. We know that the very broad influence exerted by our party is not a sign that the American masses are ready to build socialism in our country now as an immediately practical task. It is the guiding thought of everything we do to prepare and educate the masses for socialism and to lead them to its realization when they are ready. But nothing is further from our minds than any abortive attempts of a small minority to impose its will upon the masses. We base ourselves completely upon the democratic masses, upon the working class, and all toilers who comprise the overwhelming majority of the people, and we set no tasks that the masses are not themselves to be the moving and decisive factor in accomplishing. We are first and last democratic in this most fundamental sense. And it is only because we have made this point unmistakably clear that we are steadily growing in numbers, and even more in influence, even though we are still a small fraction of the population.

I say to you that the time will come—and I do not believe

I say to you that the time will come—and I do not believe we should bury these things-when we will very carefully scrutinize some of this literature that is passed out, and which is supported and given kind words by a number of the gentlemen on this floor.

How can you break down all the things that have been so fine in our history; how can you break down all the memories of the pioneers who built these United States of America; how can you break down all the things done by those who met in Independence Hall and later built the Constitution; and yet give no protection to them from those who will not become citizens of the United States?

I have met many aliens. I know one who for 17 years, without ever being a citizen of the United States, served on the board of supervisors of a county in my State of Wisconsin. When the war came and he had to show that he was a naturalized citizen he could not do it and got an alien card.

I believe the time has come when we must wash out our citizenship. There was a time when America was-and it is today—the beacon light for all Europe, for all the distressed people, all those who were persecuted and punished, who had no opportunity. Here in America we beckoned to them and brought them over here, and those people became citizens and were assimilated into this Nation.

The way to become a citizen of the United States is for an alien to have it in his heart before he buys his steamship ticket to this country. You have it in the heart of the man. If in the heart of this man he is not a citizen of this country, he is not and never will be a citizen of the United States.

Mr. Chairman, I am for this bill. [Applause.]

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the

gentleman from Washington [Mr. Coffee].

Mr. COFFEE of Washington. Mr. Chairman, like many of my colleagues who are supporting this bill, in my district I have comparatively few people of foreign ancestry, but I cannot refrain from taking advantage of this opportunity to reply to the statements made by the learned gentleman from Wisconsin and to say that to the immigrants in the United States this country owes a great deal of credit for its accomplishment. Let us not forget that during the Revolutionary War had we not had the help of foreign friends we would have lost the war. The man who said that was George Washington himself. For the benefit of those of you who are inclined to scoff at the part that the immigrants played in the development of this country, I advise you to go down to Yorktown and read the inscription engraved on the monument and find out how many Frenchmen were there who joined with George Washington and the colonists in defeating the English on that critical and memorable day, October 19, 1781. To those of you who think that only the pioneers built up the Nation I advise that you read the writings and speeches of General Dodge and his narration of the history of the Union Pacific, and ascertain the credit he gives to the Irish immigrants who helped build that great enterprise across the Midwestern and Mountain States.

Mr. BOLLES. Mr. Chairman, will the gentleman yield? Mr. COFFEE of Washington. No; I have only 2 minutes. To those of you who come from Wisconsin I advise that you look into the history of the State of Wisconsin and find out to whom should go the credit for pioneering in that great State, the Scandinavians and the German immigrants who came over here in the first generation and carved out their homes in the wilderness. Let us not forget the part that immigrants played in this country. Who are you and I to discredit the immigrants? It is merely a matter of relativity. One of us may have been here four or five generations ahead of another. I do not want to alienate the people of foreign descent from loyalty to the United States.

[Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. REED].

Mr. REED of Illinois. Mr. Chairman, I listened with a great deal of interest a few minutes ago to the gentleman from New York [Mr. MARCANTONIO], who cited section 2 of title I of this bill, appearing on page 18. He said that under this section and under this title a search warrant might be issued by a magistrate to search an alien's home, and there he might find a book.

Mr. MARCANTONIO. Anyone's home. Mr. REED of Illinois. Anyone's home.

He might find, for instance, All Quiet on the Western Front. The gentleman said that possession of that book would be a violation of the law, because books of that type are mentioned in section 1 of that title.

Section 2 states:

Any book, pamphlet, paper, print, article, letter, or other writing of the character described in section 1 of this act may be taken from the house or other place in which it may be found.

Let us turn back to section 1 and see what the section describes. Section 1 states:

It shall be unlawful * * * to publish or distribute any book, pamphlet, paper, print, article, letter, or other writing which

advises, counsels, urges, or solicits any member of the Army or the Navy or the Coast Guard of the United States to disobey the laws or regulations governing such military or naval forces, or to disobey the lawful orders of a superior.

I have read the book the gentleman from New York mentions, and I challenge him to show me any place in All Quiet on the Western Front where it advises or solicits any member of the Army or the Navy or the Coast Guard to disobey the laws of the United States or to disobey the lawful orders of a superior.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman

Mr. REED of Illinois. I yield to the gentleman from New

Mr. MARCANTONIO. I said that this book does not advocate disobedience on the part of members of the Army and the Navy. I did say, however, that any sergeant in the Army or any other person could go to a commissioner of the district court and on an affidavit state that in his opinion this book constitutes encouraging disobedience or lowering or impairing the morale of the Army. It would be up to the district commissioner if he found that the affidavit constituted probable cause to issue such a warrant. By doing that, for the possession of books which are to be interpreted by sergeants or various other individuals you open up the man's home to the seizure of his books, his writings, his letters, and everything else he possesses.

Mr. REED of Illinois. Yes; but the warrant can be issued by the commissioner only upon a showing of probable cause and upon substantiating facts sworn to in the application for the warrant, in the same manner as such warrants are issued under the general laws of the various States of the Union.

Mr. MARCANTONIO. Will the gentleman yield further for an observation?

Mr. REED of Illinois. Just for an observation. Mr. MARCANTONIO. I can understand a search warrant for guns, for narcotics, or even for the illegal possession of liquor, but I believe that we are going too far when we provide for search warrants to search for books, writings, and literature. This smacks too much of the Gestapo.

Mr. REED of Illinois. If they are subversive, and advocate the destruction of this Government by force and violence, I think it is not only our right but it is our duty to search, find them, and bring the persons who are distributing them to the bar of justice.

There is just one more thing. At the time we had the debate upon the rule, considerable comment was had concerning cases involving moral turpitude wherein a person might be deported. I want to call the attention of the Members to page 22, commencing on line 14, which is the law as it now exists. This provides that in any case where any person is convicted of a crime involving moral turpitude, if the judge at the time or within 30 days thereafter shall recommend to the Secretary of Labor that the alien shall not be deported, then that alien cannot be deported, regardless of whether the Secretary of Labor wants it done or not; it is absolutely absurd to assert that a boy who would steal an apple might be deported because it involved a question of moral turpitude.

There is not a judge in the United States of America or in any of the States who would ever send a person back to the land from which he came for stealing an apple. If any Federal judge did anything of that kind he would be brought before the bar of this House, impeached, and thrown out of office.

The gentleman who preceded me mentioned having gone to Yorktown and some other places in the country and saw inscribed there the names of men who came to this country as our allies from foreign countries and helped us during the Revolution. I wish the gentleman would go up to my State to the city of Chicago, and I wish while there he would go to Haymarket Square and there see where brave men, men who were citizens of the United States, men who were law-enforcement officers, were murdered, murdered by alien anarchists who were armed with weapons and explosives

which this bill seeks to prevent them from carrying. If he looks at that scene, and reflects upon the horror of it, maybe he, too, will vote for this bill as I believe a substantial majority on both sides of the House will.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. REED of Illinois. I yield.

Mr. GEYER of California. Does the gentleman realize that under this bill an alien may be arrested for having in his possession the Declaration of Independence?

Mr. REED of Illinois. No; and I do not think the gentle-

man believes that himself.

Mr. GEYER of California. You know it is true, if you know anything about the Declaration of Independence.

Mr. REED of Illinois. I hardly think the gentleman would make a very good case before a court if he tried to have him deported on that ground.

Mr. GEYER of California. It may be a good idea to consider some of those things, though.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I feel that these proposals have attracted many well-intentioned persons in the House and outside the House and that they believe that the deportation of aliens means fewer people and that fewer people mean less unemployment. That theory, of course, is economically unsound and without any merit whatsoever. Others in this House, and outside this House, are outraged by the excesses of some alien-minded Communists, Fascists, and Nazi-ists. I, too, am outraged by them, but the cure in this bill, and in similar bills pending in both Houses, is, indeed, a cure that is worse than the disease.

I am opposed to this type of legislation, first, because this type of bill wrongs a vast number of innocent aliens, and there are many, many thousands of innocent aliens in this country who would be wronged by the enactment of this bill.

This type of legislation sets up precedents of evil omen against citizens because they threaten the liberties even of citizens.

Remember this: We are all immigrants or descendants of immigrants, and it is interesting to note, as a matter of history, that Martin Van Buren was the first President born in the United States, and all those who preceded him, in a certain sense, were aliens and were not born in the United

Bills of this character penalize parts of our population because of its place of origin and because of its opinions and because they do thus threaten basic American liberties. I must rise in my place and oppose them. Eternal vigilance is the price of liberty. I must, therefore, warn you that you should be vigilant and thus protest and vote against this bill. It threatens our liberties.

We passed the concentration-camp bill, the Dempsey aliendeportation bill, and in the Senate there are bills which would stop all immigration. The Senate has bills for immediate registration and fingerprinting of all aliens, and there are bills even for the arrest of aliens for any kind of a misdemeanor or felony without a warrant. Why this avalanche of antialien bills? Why this antialien hysteria that seems to beset the Nation? I am at a loss to understand, except to say that we always seek a scapegoat in times of stress, in times of depression; and just because we want to seek a scapegoat, we put all of the blame for the ills of the Nation on the alien, little realizing that the citizen likewise is to blame for those ills.

Under this bill we can deport an alien who has been convicted of a misdemeanor, because it provides that any alien who goes to jail or is imprisoned for 1 year or more can be deported. In many States in the Union, in my own State, there are misdemeanors carrying imprisonment for a year. The selling of liquor without a license is a crime carrying imprisonment for a year or more in some States. If the alien violates that law, he can be sent hence. Putting a slug in a gas meter is a misdemeanor carrying similar punishment, and violation of traffic laws, as well as trading under an assumed name. Such violations might mean deportation.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield at that point?

Mr. CELLER. No. It seems unfair for us to be able to take an alien and deport him for this kind of misdemeanors. I say the bill for that reason and for many other reasons goes too far. Take title 1 with reference to military disaffection. The testimony given before our committee did not show any inherent danger in the Army or the Navy because of any subversive activities. Just listen to some of the testimony of Commander Albert M. Bledsoe, of the Bureau of Navigation. He says:

In all fairness I must state that I do not believe these organizations have been very successful, but I think that this lack of success is due more to the type of men that we are recruiting nowadays than to lack of effort on the part of these organizations.

He saw no serious disturbance, no palpable danger, that should compel us to adopt title 1 of this act. Then there is the statement of Lt. Ira H. Dunn, of the Judge Advocate's office of the Navy Department, to the following effect:

It is possible—we have not investigated it thoroughly—that we may be able to proceed against these people who join certain organizations by court martial. The Navy Department so far has not seen fit to do that, has not wished to proceed in that way. We simply discharge them as undesirables.

We are having some trouble, a little trouble, and as Commander Bledsoe said, I believe that our comparative freedom from things of this kind can be laid directly to the high character and the intelligence of the men that make up our armed forces. They are a fine bunch of men, the most loyal people I have ever known, but there exists a slight difficulty, which certainly will grow worse if not corrected.

There is no serious danger that would warrant the drastic remedies in title 1. A peace pronouncement by a reputable organization, a peace manifesto, might be deemed a violation of some sections of title 1, because that section says:

It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the personnel of the Army or the Navy.

And so forth. Some of those peace pronouncements and manifestoes could well be deemed to interfere with the discipline and loyalty or the morale of the Army. If somebody gets up on a public platform and says that he does not countenance and he deplores the use of troops in strikes, he might be held as violating section 1, title I, of this act. A soldier might go out with a young lady and might say to her, "My superior officer says that I must return at 12 o'clock," and she says, "Oh, come on, let's stay out a little longer," and if he stays out longer, that woman could be held as violating that act, because she countenanced and encouraged a violation of "an order of a superior officer." That is how far this title I goes, and it is for that reason that I must perforce object to the entire bill, with title I.

Mr. KELLER. Mr. Chairman, will the gentleman yield? Mr. CELLER. Yes.

Mr. KELLER. Does not the gentleman think it would be a mighty fine thing if we could protect the morals of the Army by such a rule as that?

Mr. CELLER. We can protect them without going as far as that, I assure the gentleman.

The alien problem, if any, is bound to settle itself in the course of time, and particularly so, since we are losing population and not gaining it as far as immigration is concerned. For the past 6-year period from July 1, 1932, to June 30, 1938, more emigrants went out than immigrants came in; 4,487 more aliens departed than were admitted during that period of time.

At the time of the 1937 census there were 6,234,613 foreign-born residents in the United States who had not been reported naturalized. The estimated alien population as of July 1, 1938, was 3,838,928. Thus, there was a total decrease of 2,395,685, in our alien population, between the aforesaid dates.

It is estimated that on July 1, 1938, there were outstanding at least 700,000 valid unexpired declarations of intention, and this number has been considerably increased by declarations filed since the above date. There is thus a sub-

stantial part of the unnaturalized alien population which is seeking to secure citizenship.

Although we have no available statistics on the following point, there are many evidences that a very large proportion of the 3,800,000 unnaturalized aliens now in this country came in prior to the 1917 Immigration Act and are now elderly people who are held back from naturalization by fear of the educational tests. It is quite natural that old people who have been in this country many years without gaining a fluent, written command of the English language should hesitate about undergoing such a test, much as they may desire the citizenship which their children and grand-children have already attained by birth in this country.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GUYER of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. Casey].

Mr. CASEY of Massachusetts. Mr. Chairman, there are a great many antialien bills that have either been brought before this House or that are now pending. I am against these antialien bills because I think they are undemocratic in principle. The danger lies in their Fascist implications. Who are the aliens against whom these bills are directed? I know that to a certain type of mind the word "alien" is synonymous with a wild-eyed radical or Communist. This is not true. Most of these aliens are potential citizens and many of them are men and women who, because of their experiences in other countries under other forms of government, have a greater appreciation of the benefits of democracy than do some of our native-born Americans.

They have a right to believe us when we set forth that this Nation stands for liberty and that it guarantees to the individual more freedom than can be obtained under any other government on the face of the earth. I know not what interpretation some Members of this House place upon the word "liberty," but to me it stands for freedom of speech, freedom of worship, freedom to criticize existing policies, and freedom to agitate for a change of policies, for reform, and for improvement in government according to the viewpoint of an individual or a group of individuals. While freedom of speech does not mean the right to say anything in any place as exemplified by the famous statement of Justice Oliver Wendell Holmes—

Freedom of speech does not permit one to rise and shout "Fire!" in a crowded theater—

It does, according to my interpretation, guarantee the right to express any opinion that does not incite to violence.

I believe that there should be throughout this Congress and throughout this land of ours more of the sentiment expressed by the great French philosopher Voltaire when he stated:

 ${\bf I}$ do not agree with a word that you say, but ${\bf I}$ will defend to the death your right to say it.

I offer this philosophy in substitution for the philosophy that lies behind these antialien bills which says, in effect, "If you differ with us, if you disagree with us, we shall answer you by putting you in cantonments, or sending you to foreign countries where you may not be welcome because of some prejudice against your race or creed." The proponents of these antialien bills say that they seek to perpetuate the democratic plan of government. I say to you that if the time ever comes, which God forbid, when this great democracy crumbles, it will not be brought about by aliens, but by the smug, intolerant attitude of the supporters of this type of legislation who say, in effect, "We are right, we are perfect, and we shall not tolerate any difference in viewpoint."

The CHAIRMAN. All time has expired. The Clerk will read the committee substitute as an original bill.

The Clerk read as follows:

TITLE I

Section 1. It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the personnel of the Army or the Navy or the Coast Guard of the United States, to advise, counsel, urge, or solicit any member thereof to disobey the laws or regulations governing the Army or

the Navy or the Coast Guard, or to disobey the lawful orders of a superior, or to publish or distribute any book, pamphlet, paper, print, article, letter, or other writing which advises, counsels, urges, or solicits any member of the Army or the Navy or the Coast Guard of the United States to disobey the laws or regulations governing such military or naval forces, or to disobey the lawful orders of a

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, section 1 of the present bill and sections 2 and 3 are substantially along the lines that the Special Committee on un-American Activities, of which I was chairman, 5 years ago, recommended.

As a result of the recommendation of the special committee a bill was introduced, which bill was referred to the Committee on Military Affairs, and which bill received the deep consideration of that committee, and the bill was reported by the committee in the first session of the Seventy-fourth Con-

The special committee introduced that bill upon the request of the Navy Department, through the late Assistant Secretary of the Navy, the late Colonel Roosevelt, one of the finest man I have ever met, one of the finest public officials that one could meet—a great American. Colonel Roosevelt, as those of us who remember that fine character, died a few years ago, when he was occupying the position of Assistant Secretary of the Navy.

Mr. Chairman, I am in favor of legislation of this type. I see my distinguished friend from Kansas, Judge Guyer, who was a member of the special committee. He well remembers the considerations of our special committee on the occasion of our recommendation. The special committee was very cautious in its recommendations because we are living in a democracy, and under democratic processes of government there are many foolish things we have to stand and tolerate in order that democracy might exist. However, the special committee felt that legislation properly drafted along these lines was proper and necessary, in accordance with the evidence that we received. Apparently the Committee on the Judiciary feels the same way, because in this bill sections 1, 2, and 3 relate to the same subject matter that the special committee made recommendations upon. However, the language of the present bill is much broader than the bill recommended by the special committee of which I was chairman, and the bill that was reported out by the Military Affairs Committee of the Seventy-fourth Congress. The bill which we recommended was introduced-and I want to say that after we made the recommendation I withheld the introduction of that bill for several months. I made at least 20 drafts of the bill, because I realized that in legislation of this kind we might go too far and that we might pass legislation that would affect American organizations. and legislation that might have an adverse effect upon the persons legislation of this type is not aimed or directed at. We did not want the possiblity of a mother writing to her son in the service being indicted for influencing her son to disobey orders of a superior; nor a father or brother or sister. [Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. For that reason, I felt a responsibility resting upon myself as chairman of this special committee. and other members felt the same way, to draft a bill that would direct itself at those who are enemies of our Government; those who would like to see the democratic processes of government, carrying with it personal liberty, carrying with it our dignity and the personality of the individual, which can only exist where democratic processes of government exist-who would like to see everything that you and I cherish in our ideals of government destroyed, and substitute therefor some form of totalitarian government, either of the so-called left or of the so-called right.

I think I fairly state the views of every Member of this House that the enemies of our Government should be ferreted

out: that those who would try to subvert and destroy our Government should not be tolerated: but I think I also speak the sentiments of every one of my colleagues when I say that legislation that will affect those forces only should be enacted into law, and that legislation should not be enacted into law that may go far beyond those conditions which we intend to meet; those who would ultimately bring about the destruction of our Government, if they had their way.

The bill I introduced by direction of the special committee read in part as follows:

Whoever advises, counsels, urges, or solicits any member of the military or naval forces of the United States, including the reserves thereof, to disobey the laws or regulations governing such military or naval force, or whoever publishes or distributes any book, pamphlet, paper, print, article, letter, or other writing which advises, counsels, urges, or solicits any member of said military or naval forces of the United States to disobey the laws or regulations governing such military or naval force shall be—

And so forth. The bill which we introduced meets the evil. The bill under consideration reads:

It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the personnel of the Army, Navy—

And so forth. The bill we introduced relates to those who would try to influence members of our armed forces, to incite them to disaffection; and it seems to me, agreeing as I do with the gentleman from Virginia as to the objective sought, that the language in the pending bill goes far beyond what is necessary for Congress to legislate in order to meet the evil we are attempting to legislate against.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. KEEFE. Is it not a fact, I would ask my colleague from Massachusetts, that a great many Members seem to be under a misapprehension as to just exactly what is provided in section 1? Reading that portion found on page 17, is it not a fact that a person who might be found guilty of intentionally interfering with or impairing, or influencing the loyalty, morale, or discipline must manifest an intent and must manifest that disloyalty, and so on, in the particulars set forth in the succeeding lines of the paragraph? That it does not constitute an offense unless the offense is carried out by advising, counseling, urging, or soliciting any member of the armed forces to disobey such regulations? One cannot read the first five lines and pass judgment upon it without reading what follows.

Mr. McCORMACK. In answer to the gentleman from Wisconsin, I may say that the gentleman and I agree as to the objective desired. My purpose in rising was to call attention to the fact that this matter had been acted on by the House in a previous Congress, not to offer any amendment at this time, because this is a matter which can be taken care of, if it passes the House, in the other body.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. My purpose in rising was not one of hostility to this legislation but in support of it, and to call attention to the fact that the language employed here goes beyond those elements that we intend to combat by legislation, those forces which are trying to bring about disobedience and disaffection in the armed forces for the purpose of subverting our institutions of government, and in the hope that they will be able to obtain enough support to bring about the ultimate overthrow of our Government by force and violence.

The gentleman from Wisconsin and I have absolutely no disagreement as to the objective sought. I am fearful that the language of the bill goes a little too far. I am not, how-ever, going to oppose it because of that. I simply rise to call attention to the fact that if this bill passes the House and goes to the other branch, Members of the other branch will give consideration to amendments that will limit the operation of the law to embrace only those forces which are clearly

against our institutions of government and whose aim and interest are the disaffection of our armed forces.

[Here the gavel fell.]

Mr. VOORHIS of California. Mr. Chairman, I rise in opposition to the pro forma amendment. Mr. Chairman, I had hoped to get time before this without having to interrupt the reading of the bill.

Mr. Chairman, I think every Member of the House is in agreement in a sincere and earnest desire to protect constitutional democracy and the American way of life. To my mind, we are living in a critical period in the history of our country and in the history of those institutions which this Nation first gave to the world and which, for all I know, this Nation may be the last nation to preserve. I have this confidence, that if in the United States alone of all the nations of the world there should be kept alive constitutional democracy and human liberty, and if at the same time we can successfully solve the difficult economic problems of the machine age, these institutions will live again in every nation in the world. [Applause.] The question is how best to do these things, and I rise at this time to say one or two rather simple things. Bills like this one may be protective of American free institutions, as the proponents say, or they may be the first fatal step toward the destruction of liberty not only for the alien but for the citizen as well.

First and fundamentally, you must depend upon the basic loyalty and devotion of the people of the Nation, upon their spontaneous devotion, to these institutions and ways of life, for reliance in their permanency. The fundamental thing to which Congress must address itself first of all, therefore, is the solution of this economic problem and the freeing of the people of this Nation from the fear and concern they find themselves in about making a living. There are those people in this Nation who are fighting a battle in the front line trenches in an attempt to solve these economic problems. They are working in various fields, but leadership in this effort should come from this body to a much greater degree than it has. Believe me, gentlemen, the answer to the Communist movement, the answer to the Fascist movement, to the Nazi movement, and every other movement of that character is to be found not in legislation like this, not in attempted suppression, but in the successful solution of our economic problems. I think that is most important. What we need here is an earnest and unrelenting devotion to the task of showing that a democracy can solve the problems of the machine age. I think it also important that the full truth be told to the people of the country about such movements as seek the destruction of democracy and the substitution of a totalitarian state. But that is a very different sort of approach to the problem.

Mr. Chairman, I find it impossible to vote for this legislation for this reason-I have not time to go into it fullybut as has been stated by others, the political philosophy of this bill is that you can treat aliens unjustly without taking the next step and treat citizens the same way; that you can stamp out subversive activities by passing loosely drawn legislation aimed to scare people; and that once a person has made a mistake he can never, never correct it or make up for it in the mind of the United States Congress. I can-

not vote for legislation of that kind.

Under this bill a person who once belonged to a religious sect that believed in the destruction of property in liquor could be deported. A person who once upon a time made a contribution of "anything of value" to an organization of a Fascist, Nazi, or Communist nature, even though he does not now belong to it, never did belong to it, and has learned to despise it, is to be deported from this country. It is no answer to say this applies only to aliens. I myself believe that anyone coming to this country should, before a certain length of time has passed, be required to become a citizen or else to depart. But all human beings are, after all, alike in the sight of God, and the Government which permits itself to deal harshly with one group will sooner or later drift into harsh dealing with other groups. Indeed, in my opinion, this Congress has already dealt with our unemployed citizens with a harshness hard to understand.

I feel this is a dangerously broad measure, and I do not think it is fair. I do not think you can enact such legislation as this, having to do with aliens, without doing violence to the fundamental nature of the American way of life. I do not think you can do something which is fundamentally against the principles of general humane consideration, against the principle of enabling a man to find the errors of his ways and correct them, without doing violence to the fundamental principle upon which this Nation was founded. I want to protect these principles; but in attempting to protect them I should hate to be a party to undermining them by indirect methods.

May I say-and this is something I have known to be true-that some people who are fighting in the front-line trenches against real subversive activities in this country are people who have learned their lesson about what those things really are and they are doing their utmost to try to uphold among the people of this Nation the American principle of government. Some of those very same people would be adversely affected by this bill, I am convinced. Some of those people, who out of their own experience know that American freedom means more to them than any technical, dogmatic scheme that is proposed as a catch-all solution for the problem, will be caught by the provisions of this bill and deported.

I believe if we go too far with legislation of this character we are going to do violence to some things that are near to America's heart.

America, once her economic problem is solved, can rely upon the spontaneous loyalty of her people. An hour's honest, careful consideration of ways and means of effecting a balance between this Nation's power to consume and its power to produce would do more to defeat subversive activity in this country than 100 hours of consideration of bills like this one.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

Mr. HOBBS. Mr. Chairman, there are three committee amendments on the desk, and I ask unanimous consent that the three committee amendments may be considered as one.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. Hobbs]?

There was no objection. The Clerk read as follows:

Committee amendment: Page 18, line 1, after the words "Coast Guard", insert the words "or the Naval Reserve or the Marine Corps Reserve."

Page 18, line 4, after the words "Coast Guard", insert the words "or the Naval Reserve or the Marine Corps Reserve."

Page 18, line 8, after the words "Coast Guard", insert the words "or the Naval Reserve or the Marine Corps Reserve."

Mr. HOBBS. Mr. Chairman, I simply wish to say to the Committee that these amendments were prepared by the Navy Department and are recommended and asked by them. The Army feels that the section as written is sufficiently broad with the definition in the last paragraph to cover its group.

Mr. CELLER. Mr. Chairman, I offer an amendment to the committee amendment offered by the gentleman from Alabama [Mr. Hobbs].

The Clerk read as follows:

Amendment offered by Mr. Celler to the committee amendment: In each of the committee amendments, after the words of the amendment, add the following: "or the Merchant Marine Reserve."

Mr. CELLER. Mr. Chairman, I have a letter here from the American Merchant Marine Institute, Inc., which reads as follows:

NEW YORK, N. Y., July 22, 1939.

Hon. EMANUEL CELLER,
Acting Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.
Re H. R. 5138—Report No. 994.

DEAR CONGRESSMAN: May I call your attention to the fact that there are many Naval Reserve vessels in the United States merchant marine, and therefore, on page 18 of the above-mentioned

bill, continuing title I, section 1, on line 1, after "Coast Guard," should be inserted, "or the Naval Reserve or the merchant marine"; on line 4, after "Coast Guard" should be inserted "or the Naval Reserve or the merchant marine"; on line 8 after "Coast Guard" should be inserted "or the Naval Reserve or the merchant marine."

There is a deluge distribution of books, pamphlets, prints, articles, etc., continuously in circulation which this bill seeks to control, also making paramount the orders of superior officers. The foregoing proposal is recommended and submitted for your

usual circumspect consideration. Very sincerely yours,

FRANK J. TAYLOR, President.

Apparently the effort is being made by this letter to extend the protection of this statute to the so-called reserves of the merchant marine.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.
Mr. MARCANTONIO. Does not the gentleman realize he
is aiming at the National Maritime Union and various other
unions involved in the merchant marine with that amendment? Does not the gentleman also realize that the reserves
in the merchant marine, the men who are trained to do
sailor work and other kinds of work on ships, travel and
work on the merchant marine?

Mr. CELLER. I am not pressing the amendment. I am offering it at the request of the gentleman whose name I

read in the letter.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment simply to call the attention of the House to the fact that this goes beyond the legitimate purview of title I, which is to preserve our armed forces from subversive influences. Of course, we are all desirous that every citizen be as innocent as possible and as little exposed to contaminating influences; yet we cannot abridge the right of freedom of speech as guaranteed in the first amendment to the Constitution. I therefore beg of the Committee not to agree to this amendment, which has been offered to the committee amendment.

Mr. SCHAFER of Wisconsin. Will the gentleman yield? Mr. HOBBS. I yield to the gentleman from Wisconsin. Mr. SCHAFER of Wisconsin. Is not the merchant marine a vital part of our national defense?

Mr. HOBBS. That is true. It is a part of our armed forces in time of emergency, but only then.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. The merchant marine, that part manned by the Naval Reserve officers and flying the Naval Reserve pennant, is part of the United States Naval Reserve, is it not?

Mr. HOBBS. I would be happy to offer an amendment, if it is desired, that will cover such vessels.

Mr. VAN ZANDT. It is my belief the gentleman's amendment covers it.

Mr. HOBBS. I doubt it.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to withdraw my amendment to the committee amendments. The CHAIRMAN. Without objection, the amendment is

withdrawn.

There was no objection,

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. O'TOOLE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. O'Toole: Page 17, beginning in line 23, strike out lines 24 and 25, and on page 18, lines 1 to 10, and amend section 1 to read as follows:

"It shall be unlawful for any person connected in any capacity with the Army, Navy, or the Coast Guard of the United States shall be prohibited from reading any newspaper, book, magazine, or other publication, including the Bible and Congressional Record, while in said service."

Mr. O'TOOLE. Mr. Chairman, this amendment may seem absurd, but it is no more absurd than the crackpot legislation that is before us today. [Applause.] I offer it not to have it

passed but to endeavor to disclose to my colleagues the foolishness of the so-called Smith bill. No man has a greater respect for the Bible than myself, yet under this bill some fanatic might well term it a propaganda inspirational book. I know that when I finish speaking some Members will take the floor and endeavor to make my amendment appear a serious one so that they can make a speech defending the Bible. Ten thousand copies of the speech will then be sent back to their districts labeled "My Answer to the Godless Representative from New York." Most of the Members well know what I am driving at. I am endeavoring to show the fanaticism of a few who would drive out of this country the legally admitted alien; the same alien who, like ourselves, hates fascism, communism, nazi-ism, and all other un-American doctrines, and who asks that this Congress give him the opportunity to embrace the American system so that he may become a good citizen, as did your ancestors and mine. There is no doubt in my mind that in the very first section of this bill you are asking men who have been educated in the two great institutions of this country, West Point and Annapolis, to read only those things that you prescribe. Men of education, men of culture who are in the service of their country in the future can read only that which the Congress of the United States feels they are entitled to read.

In the last few months we have seen a wave of crackpot alien legislation. Let me say to you that those who are fighting the aliens are those who know them the least. I have seen men get up here who probably do not have 10 aliens in their district and talk of the alien menace. Let me remind you, particularly those of you from the South, that in 1861 aliens, especially aliens from Ireland, came to the defense of that bonny blue flag, as you called it, and at Shiloh they held the ridge when the true bloods of the Confederacy were going back as fast as they could. Let me tell you that in 1861, in the city of New York when the loyal Americans were dodging, we raised 13 regiments of aliens who went to the front to keep the stars in that flag and make it possible for you today to get \$10,000 a year. [Applause.] The battle flag of the One Hundred and Sixty-fifth Regiment, New York-an Irish regiment-of which Congressman Fay was a member, and while a member lost a leg, has had to have its battle staff extended a foot and a half to put on the rings which represent the engagements in which the regiment has fought. Every time we have had a crisis the aliens have come to the front and stood up manfully.

Do not forget that the Wickersham report of only 2 or 3 years ago stated that the percentage of crime among nativeborn Americans was far greater than among aliens.

Formerly when we admitted the alien liberty, justice, and equality we gave to them. The right to worship God untrammeled and unrestrained we insured to them. But now you push them into the dirt and the Congress of the United States, through crackpot legislation, will force them into communism, fascism, and nazi-ism, and make them people who hate and despise the institution they desire to embrace and love. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that the O'Toole amendment may be read in my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. O'Toole: Page 17, beginning in line 23, strike out lines 24 and 25, and on page 18, lines 1 to 10, and amend section 1 to read as follows:

"It shall be unlawful for any person connected in any capacity with the Army, Navy, or the Coast Guard of the United States shall be prohibited from reading any newspaper, book, magazine, or other publication, including the Bible and Congressional Record, while in said service."

Mr. HOFFMAN. Mr. Chairman, the amendment just offered by the gentleman from the Eighth Congressional District of New York, who resides in the city of Brooklyn [Mr.

O'Toole], would put into this bill, one of the main purposes of which is to rid this country of criminal aliens, a provision that those serving in the Army and the Navy of the United States should not be permitted to read the Bible.

The applause which greeted the reading of his amendment, and later his argument, came from those who belong to a small group—a group which so often, when any legislation is proposed which would restrict un-American activities, which would hinder, delay, or render abortive the activities of the Communists, of those who by force would overthrow this Government, makes an appeal to this Congress to be careful that it does not deny the right of free speech, a free press, or curtail the constitutional liberties of some group which many think is engaged in subversive activities. We believe in all of those guaranties of civil liberty contained in the Federal Constitution.

But many of us can see no reason why there should be such great concern exhibited when the Congress attempts to protect, maintain, and keep as it is this Government of ours. When the Congress seeks to prevent subversive activities by those small minorities, which, not satisfied with our form of government, insist upon remaining here, enjoying the prosperity and the liberty, the freedom of speech and of activity which our Constitution grants to them and which our Government protects them in exercising and yet continuously condemning it and seeking to overthrow it, this small group becomes fearful that some alien is not being protected by that Constitution which he would destroy.

Some of us expected that those few Members of the House who rushed to the defense of John L. Lewis, of his C. I. O., even when he exercised the power to deprive men and women of an opportunity to earn a livelihood, who either remained silent or condoned his activities in the sit-down strikes, would applaud the offering of this amendment and the argument following, which was made by the gentleman from New York [Mr. O'Toole].

In this Government of ours, where free speech is a cardinal principle; where a free press is at the command of all, none can, none should, deny to the gentleman from New York [Mr. O'Toole], nor to those who applauded him, the right to spread upon the Congressional Record, where all may read, the proposition that men serving in our Army and Navy shall, as a matter of law, be denied the right to read the word of God.

John L. Lewis, whom so many of them applaud in thousands of instances, has denied to men the right to work. It is but another step, a no greater violation of civil liberty, though undoubtedly a greater moral offense to deny to the men of the Army and the Navy the right to worship the God of their choice. It is perhaps well that such a question was raised on the floor of the Congress for it may bring home to a shocked public a realization of the movement which is on foot in this country to destroy us as a Christian Nation.

Mr. O'TOOLE. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I will not.

Mr. O'TOOLE. I did not think so.

Mr. HOFFMAN. So that you may get a fair understanding of the magnitude of this movement and of some of those who have accepted its support without condemnation, let me once more, as I have previously, call your attention to a political circular which was put out by the Communists in Michigan during a recent campaign.

In Michigan in the 1938 election the Communists supported Governor Murphy openly and enthusiastically. In the city of Detroit at a municipal election Maurice Sugar was one of their candidates. Sugar has been twice convicted on his plea of guilty; once of draft evasion and once of circulating seditious literature. At present he is one of the principal attorneys representing the C. I. O. affiliates in its labor controversies in Michigan. In support of him as its candidate the Communists made this appeal:

To all who hate the smug priests of the Catholic Church; and the slimy hypocritical ministers of the Protestant Churches * * * To all who are opposed by this damnable Government, we address this message. Vote for our candidate (Maurice Sugar).

Close the churches and make those buildings into shelters for homeless men and women. Down with religion, which is opium which the ruling class feeds you to keep you satisfied with the miserable existence which you lead. There is no God.

This Nation of ours is a Christian nation. Our people believe in morality; in honesty; in temperance; in religion, and few, if any, in this House, unless they be Communists, would take from our people that hope of a hereafter, which is the loadstone which carries us at the end of each day cheerfully, hopefully, courageously to the tasks of tomorrow.

When women and men no longer can read the Bible; when children, yes, and grown women and men no longer are permitted to kneel, repeat the Lord's prayer or the ever-familiar words of "Now I lay me down to sleep" may God have mercy on our Nation!

We will have a vote on this amendment and it is my regret that the Record will not show how many, if any, remain in their seats when the amendment is voted down. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall ask for a division of the Committee on this amendment which would prevent the members of the Military and Naval Establishments from reading the Holy Bible. Let the people of the country know how many Members of Congress will stand up and vote in favor of such an amendment.

This amendment fully conforms to the principles and philosophies of the Communists and their united-front associates, who have been directing a propaganda barrage on Congress demanding the defeat of the pending bill. As far as I am concerned, for 22 months overseas I followed the red, white, and blue and the principles of government for which she stands, and I will follow it again. I shall not directly or indirectly give aid or comfort to the bloody-red Communist butchers in Moscow who have repealed the Ten Commandments of the Lord Almighty and who have repudiated God the Father, God the Son, and the Holy Bible.

We want no alien form of autocracy to supplant our democracy. We care not whether it be Nazi, Fascist, Communist or any other brand. [Appleuse]

munist, or any other brand. [Applause.]

it in Moscow. [Applause.]

Mr. Chairman, we should with an almost unanimous vote reject this amendment, and send word back to the bloody red, ungodly, unchristian Communist butchers in Moscow that we still read the Holy Bible in America, although they would put you before a firing squad for reading or quoting

Mr. Chairman, much of the opposition to this bill is against the provision which requires that aliens who come to America in the future be fingerprinted. I and 5,000,000 of my comrades who served in the World War registered our fingerprints. Mr. Chairman, can it be said that it is proper to compel millions of our service men to register their fingerprints in the archives of our Government, and that it is improper to require aliens who come within our shores in the future shall do likewise? All people in foreign lands who think they should receive more consideration than American service men and be exempted from fingerprinting, can obtain that exemption if they so desire. They can stay without the confines of America.

Mr. Chairman, I sincerely hope that when we have a division on this amendment, we can send the word to the country that only one or two Members of this body will rise and support an amendment which is approved by the bloody red, ungodly, unchristian Communist butchers in Moscow, who would like to prohibit the reading of the Holy Bible in America as they do in Soviet Russia. [Applause.]

Mr. KEEFE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not take the gentleman from New York [Mr. O'Toole] very seriously. There is only one thing in his proposed amendment that I could subscribe to and that is the part of the amendment which would tend to prohibit the reading of the Congressional Record. [Laughter.] I would want to limit this to prohibit any person from reading that portion of the Congressional Record that will be printed disclosing the gentleman's amendment

[applause], because in this body that is costing millions of dollars to operate, gentlemen who are paid, as he says, \$10,000 per year, and take up the time of the Congress and spend the people's money to print such puerile, asinine amendments and proposals, should be known by the people, and I think they ought to express their condemnation in no uncertain terms with respect to such idle and asinine proceedings.

Why in the name of conscience should this be done, and when will the time ever come that Members of Congress can read a bill as intelligent men, free from bias and preju-

dice, and confine their discussions to the facts.

There was not a word in the argument of the gentleman from New York that has any application whatever to the pending section that has been read. There is not a line or a syllable in this bill that proposes to interfere with the rights of those God-fearing aliens who came over here and have made their splendid contributions to the building of this Nation. We welcome those aliens now as we have in the past. We welcome them because they come to this country as God-fearing people seeking liberty and determined to make their contribution in accordance with our laws and our democracy; but we do say in this bill to those aliens that you shed so many tears about, who come here from nations inspired with the idea of destroying this Nation and the things we love, we are going to stop you at the gate and you are not going to come in; and we say to those whom we have been magnanimous enough to allow to come in, unless you declare your citizenship and amalgamate yourselves with the principles of America, we are going to throw you out if you persist in preaching doctrines that are inimical to the rights of the people of America. [Applause.]

I believe this bill stands for what the people of America want, and I for one am going to support it, not with any idea that it is inimical to the rights of any alien, but that it is going to serve to protect the citizens of the United States who are entitled to protection from the dope peddlers, from the carriers of machine guns, from the purveyors of prostitution, from the panderers, from the marihuana peddlers, and from all that tribe who come over here and violate our laws. [Applause.] I do not want them. You gentlemen from New York and from other places who sing your praises of the aliens generally, you can have them if you want them, but the people I represent do not want them. [Applause.]

Mr. MURDOCK of Utah. Mr. Chairman, will the gentle-

man yield?

Mr. KEEFE. I yield to the gentleman.

Mr. MURDOCK of Utah. If the bill did what the gentleman stated just now it should do, it would be different, but the gentleman cannot read what he has stated into the language on page 27.

Mr. KEEFE. Oh, yes; I can.

Mr. MURDOCK of Utah. No; you cannot.

Mr. KEEFE. Yes; I can.

Mr. MURDOCK of Utah. Then you are either not qualified or you are not reading the language on page 27.

Mr. KEEFE. I can read the language on page 27; and if you are a lawyer, as I think you are, and you will study title III, as you should——

Mr. MURDOCK of Utah. I have studied it.

Mr. KEEFE. Just a moment. You have asked the question. If you will read title III in its entirety, as a lawyer should, you cannot come to any such conclusion or any such absurd conclusion as you have tried to put before this House. [Applause.]

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close. The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. Schafer of Wisconsin and Mr. Robsion of Kentucky), there were—ayes 1, noes 117.

So the amendment was rejected.

Mr. FERGUSON. Mr. Chairman, I move to strike out the last word. I ask the attention of the gentleman from Alabama [Mr. Hobbs], in charge of the bill, to ask a question. On page 18, section 2, we have the following language:

Any book, pamphlet, paper, print, article, letter, or other writing of the character described in section 1 of this act may be taken from any house or other place in which it may be found, or from any person in whose possession it may be.

According to the amendment just adopted by the House, members of the Reserve forces of the United States are subject to this bill. I ask the gentleman in charge of the bill what would happen in these circumstances. It so happens that I am a member of the Reserve. It also happens, as every Member of Congress knows, that we receive a constant flow of propaganda, scurrilous attacks on the President of the United States, advocating his impeachment. Undoubtedly the President is the commanding officer of the Army and the Navy. Am I to understand that my office, my mail, is to be constantly scrutinized to see whether I am subjected to propaganda urging that I disobey the commands of my superior officers? What would be the effect of this bill in those circumstances? Undoubtedly the gentleman realizes, because he has received that type of literature constantly, the seriousness of my inquiry. Am I to be held responsible for having that in my possession which comes entirely unsolicited?

Mr. HOBBS. Only if the gentleman has intent to interfere with, impair, or influence the loyalty, morale, or discipline of the personnel of the Army or the Navy or the Coast Guard, and as we have now added, the Reserve.

Mr. FERGUSON. That is why I asked the question.

Mr. HOBBS. Unless the gentleman has that contraband printed matter in his possession with that intent, he does not come within the purview of this section at all. I also call attention to the fact that this is strictly subject to the constitutional guaranty against unreasonable search and seizure and, therefore, we require that all searches for contraband printed matter can only be made under due and legal search warrant.

Mr. FERGUSON. Would the gentleman say then that the search could not be instituted until the intent was proven?

Mr. HOBBS. By affidavit which seems good and sufficient to the judge passing on the issuance of the search warrant, certainly, but the gentleman has the shoe on the wrong foot, if he will pardon me, not meaning any disrespect at all. This bill is being passed to protect him from just that poisonous matter, and until he has an intent to employ such matter wrongfully, this does not touch him at all or any other member of the Reserves.

Mr. FERGUSON. But it undoubtedly sets up some one as a judge of what I am capable of reading, who passes on the intent. I cannot quite conceive how the intent and the contents of the article can be separated, and I cannot conceive how you protect a man who receives this scurrilous material as we all do. I file most of this propaganda in the waste basket, but should I desire to read or keep this material certainly I want to retain the right to do so—I doubt if this bill protects this right.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HOBBS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Hobbs: Page 18, line 1, before the words "to advise", insert "or on documented vessels of the United States which have been warranted to fly the flag of the United States Naval Reserve"; and after the words "United States", page 18, line 8, insert "or any member of the crew of a documented vessel of the United States which has been warranted to fly the flag of the United States which has been warranted to fly the flag of the United States Naval Reserve."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Yes.

Mr. MARCANTONIO. Will the gentleman explain whether or not this is limited only to the Naval Reserve?

Mr. HOBBS. This amendment is limited to eight vessels, three of which are now in service, which are not covered by the general committee amendment.

Mr. MARCANTONIO. Is it not similar to the amendment offered by the gentleman from New York [Mr. CELLER]?

Mr. CELLER. No; I withdrew that. The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. Any book, pamphlet, paper, print, article, letter, or other writing of the character described in section 1 of this act may be taken from any house or other place in which it may be found, or taken from any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant issued pursuant to the provisions of title XI of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917 (40 Stat. 228; U. S. C., title 18, ch. 18).

SEC. 3. The term "member of the Army" as used herein shall include all members of the Army of the United States as defined in section 1 of the National Defense Act of June 3, 1916, as amended (48 Stat. 153; U. S. C., title 10, sec. 2), when in active Federal service.

SEC. 4. It shall be unlawful for any person to attempt to commit or to conspire to commit any of the acts prohibited by any provi-

sions of this title.

SEC. 5. Any person who violates any of the provisions of this title shall be punished by imprisonment for not more than 10 years or by a fine of not more than \$10,000, or both, and, in addition thereto, any alien who violates any of the provisions of this title shall be forthwith deported in the manner provided by existing law immediately upon his release from the custody of the court in which he is tried. No person who violates any provision of this title shall be eligible for employment by the United States Government or by any corporation the stock of which is wholly owned by the United States Government for a period of 5 years after his conviction.

Mr. STARNES of Alabama. Mr. Chairman, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. STARNES of Alabama: On page 19, strike out lines 7 to 10, inclusive, and insert the following: "of this title shall, upon conviction thereof, be punished by imprisonment for not more than 10 years or by a fine of not more than \$10,000, or both, and, in addition thereto, any allen who violates any of the provisions of this title shall, upon conviction thereof, forthwith be deported in the."

Mr. STARNES of Alabama. Mr. Chairman, the purpose of this amendment is to perfect the language of the bill and to make it more easily and properly administered by the proper officials of our Government, and to make it clear that the fine or imprisonment for violation is to be imposed only after conviction, and to make the violators deportable only after conviction by the courts.

I can see no objection to this amendment. It certainly makes it clear that the bill is aimed only at violators of the law. Those of us who have read this bill carefully, those of us who are interested in this problem, know that there is no Member of this Congress, regardless of the section from which he comes, who is interested in persecution, or has any personal feelings against a law-abiding alien who comes to this country to become a good citizen. He is welcomed, provided he comes here legally, and a good alien will come in no other way. This amendment is to remove all doubt that it is intended to strike at anyone except an alien who violates

I agree with what has been said heretofore, that there is no place in this country for those who come here for an unlawful or an illegal purpose. Every safeguard in the world should be placed around those who come here lawfully, for good purposes, or to become good citizens. But no mercy, no helping hand should be extended to one who comes here otherwise.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. STARNES of Alabama. I yield. Mr. CELLER. I will say to the gentleman that it was the intention of the committee to have the deportation based on a conviction in a court. I think the gentleman's amendment is a sound amendment and clarifies the situation.

Mr. STARNES of Alabama. I thank the gentleman for his contribution.

I would to God that more of the legislation passed in this Congress during the last 2 or 3 years would have required court action before penalties were imposed, or at least gave United States citizens the right to be heard in the courts. [Applause.]

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. STARNES of Alabama. I yield.

Mr. BROOKS. Will the gentleman's amendment affect the situation as to whether or not an alien should serve the time after sentence, before being deported or not?

Mr. STARNES of Alabama. No; it does not. It requires

the court to impose the fine or imprisonment.

Mr. Chairman, I yield back the balance of my time. The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. IZAC. Mr. Chairman, I offer an amendment, which is on the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. Izac: Strike out all of title I.

Mr. IZAC. Mr. Chairman, this title might well be termed the "Army and Navy wet-nurse bill of 1939."

Have we reached the point in this country when we can no longer depend on the boys you and I send to the Naval Academy and the Military Academy and to the training stations of this country and to the camps in the Army? As a matter of fact, there is considerable conflict in both the War Department and the Navy Department about the advisability of ever enacting legislation of this type. If we have to admit that we have reached such a stage in this country that the very youth is subversive, then we had better look to the foundations of the Republic and try to take care of the economic conditions which bring about such a condition.

It is an absolute disgrace and insult to the type of young men we are bringing into the armed forces of this country today. They are the highest type, in my opinion, that we have ever had. You give them a fine training. They come from high schools and colleges and you say to them when they come in, "We trust you to be soldiers and sailors, but we cannot trust you to be loyal Americans." It is so ridiculous on the face of it.

I will tell you what I would like to see this Congress enact. That is some kind of legislation against the espionage that is going on on the west coast and in the Canal Zone by our yellow friends from across the water. [Applause.] That is the type of thing I would like to see stopped in this country. They are not tampering with the young boys on board ship or the young boys in the Army posts. They are getting the secrets that they think will enable them, when the time comes, to defeat this Nation and gain the supremacy that they are endeavoring now to wreak on the whole Orient.

I do not take seriously the complaint of some of our intelligence officers that there is this danger because of some pamphlets that are being handed out when a boy goes on leave. After he has passed the gangway he is on shore; they can reach him and they can turn him against democratic institutions, you say. Why, it is an insult to his intelligence.

I believe we can best correct any evil condition that may result from the type of subversive activity that is likely to cause the downfall of democratic institutions by going to the heart of the trouble, as my colleague from California has pointed out, and correcting intolerable economic conditions; because, today, reports from all the rest of the world are to the effect that war is very imminent, that people are fatalistic, nobody smiles any more; and that is a condition that will be brought into this country if our naval and armed forces are not loyal.

Mr. PATRICK. Mr. Chairman, will the gentleman yield? Mr. IZAC. I yield.

Mr. PATRICK. The gentleman was in the Navy for how

Mr. IZAC. Oh, very few; 10 years.

Mr. PATRICK. As I understand the gentleman's discussion with respect to title I of the bill which makes it unlawful for anyone to interfere with, impair, or influence the loyalty, morale, or discipline of the personnel of the Army, Navy, or Coast Guard, and so on, the gentleman is speaking of the men whom we send to West Point and

Oh, no; the enlisted men as well. Mr. IZAC.

Mr. PATRICK. As I understand title I of the bill, which the gentleman would have us strike out, it seeks to protect the men in the armed forces from that sort of thing.

Mr. IZAC. That is correct; but if they need protecting, then we are in a very bad way. [Applause.]

Mr. PATRICK. Well, it is an annoyance and that sort of thing.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I rise in opposition to the

Mr. Chairman, the amendment offered by the gentleman from California seeks to strike out title I of this bill under which we hope to protect the armed forces of the United States from being exposed to those who engage in spreading subversive doctrines. Anyone who has even the slightest acquaintance with our Army and Navy knows that the members of these forces are not at all times under the control of the officers of these branches of the service; and, most certainly, any man who has ever had the slightest acquaintance with an Army post knows there are detrimental influences near those posts which are working at all times. Every man knows that around every Army post is gathered a settlement of interests that work to the detriment of the morale of the men of the Army and over which interests the officers of the Army have no control, because they are outside their jurisdiction. The same thing is true of naval stations. Able as the officer personnel of the Army and Navy is, high as is the character of the personnel of the Army and the Navy, nevertheless we, the Congress who are charged with the national defense of the United States and with the government of the Army and the Navy, should protect them from being subjected to the influence of those who spread these subversive doctrines.

Mr. McCORMACK. Mr. Chairman, will the gentleman vield?

Mr. FADDIS. I yield.

Mr. McCORMACK. We have laws aimed at the robber, and other laws designed to protect society that are aimed at criminals. This law is aimed at those who entertain a criminal intent toward our Government and who would overthrow it if they had the opportunity.

Mr. FADDIS. Exactly. To hear some of the opponents of this measure speak one would think this law in its entirety were aimed only at the alien with good intentions, but as I read the law, and I believe I am able to read the English language, it is aimed only at those who desire to break our laws, it is aimed only at the criminal. There is no need for anyone to stand up here and shed crocodile tears about the poor, innocent alien. This does not catch the innocent alien. [Applause.] As for me, I believe it is time we were giving the United States of America a break and forgot the "poor alien." [Applause.]

Now, replying to the gentleman from California on the matter of the espionage of his yellow friends, as he called them, I will name them—the Japs. I say to the gentleman from California that while the Japs may be the bugaboo of the west coast, we on the east coast have influences just as detrimental as the Japanese are on the west coast.

Mr. KELLER. What are they? Mr. FADDIS. What are they? The Communists. The Communists in our large metropolitan centers that are working all the time to destroy our form of government. They maintain that the Bill of Rights should protect them in their activities to destroy this Government in order that

they may replace it with a government of another type, but should their efforts succeed, the Bill of Rights would not last overnight in their hands.

I say for the sake of the Army and the Navy, and for the sake of the general morale of the United States, the amendment of the gentleman from California should be voted down.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield.

Mr. PATRICK. Does the gentleman think that Nazis and the Pelleyites are not just as aggravating as the Commu-

Mr. FADDIS. They are all alike-un-American and undesirable. [Applause.]

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I rise in support of the motion.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield.

Mr. HOBBS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. KELLER. Mr. Chairman, I have listened with a good deal of interest, and I confess with a good deal more of amusement, to the speeches in support of this measure, especially those who stand up here and advocate that a Congressman must not smile; that he does not dare to laugh; and if he does either he does not earn \$10,000 a year. He must keep a long face and look as serious as possible and be so darned dignified that nobody will dare to speak to him except another Congressman of the same type. To my mind it is about the best piece of clowning I have seen in

Mr. Chairman, this bill strikes me about as follows: We have already all the laws, in my judgment, that we need to protect our country against the inroads referred to in the pending bill. I do not quite understand how any man who has been a soldier or a sailor, or who has had the training of one, can be so terribly wrought up over the necessity of protecting the morals of the boys in khaki. I really do not get it. I understand perfectly well that we ought to do what we can to support the morale of the Army and Navy, but the Army and Navy, as I understand it, have been able to take care of themselves, as a rule. At least that has been my observation.

I am sorry that we have come to the point where we find it necessary to protect the officers and privates of the Army and the sergeants in the Army and the other boys in the Army and Navy. I think they are still able to take care of themselves and I think they ought to be permitted

Mr. Chairman, I shall certainly vote against any bill of this character because it goes far beyond the mark that I understand is Americanism. I would not be able to forgive myself if I lent support to it.

I want to call your attention again to what one of the gentlemen said here with reference to what we have received from foreigners, who were aliens when they came to this country. For the benefit of those who may be afraid that I am going to adversely affect the morals of the House, those who are afraid that I may laugh a little once in a while, I am going to state this to those whose ancestors came here some little while ago; that my ancestors on my mother's side came here a long time ago.

They came to the old Tar Heel State about 1634 or 1635, as I remember it. They lived there a couple of hundred years, then some of them went out to Illinois and have lived there ever since. They carried their guns in the Revolutionary War, the War of 1812, the Mexican War, and other wars of this country. On my paternal side, my old German-born grandfather came across to this country because he failed to make a republic in his own country. He gave his life for the maintenance of the Union. He took his five sons out with

him into the Army, the youngest one 13 years old, who also died with his uniform on. They were a part of the 400,000 Union soldiers born in Germany and Austria who saved the Union under Abe Lincoln. I only state that for the reason I did not want the Members to get the idea that I just came over, since some of them seem to think that a crime. I have been over here long enough that I can read and understand something of what the Declaration of Independence means and what the Bill of Rights provides. When we come to the point that we make something a crime for a foreigner that is not also a crime for an American citizen, we are going much too far, and we ought to be ashamed of ourselves if we do so.

[Here the gavel fell.]

Mr. EBERHARTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, personally I regret that this great deliberative body has to take a whole day to pass upon a measure of this sort. It is entirely unnecessary. I think there are plenty of statutes on the books now which are amply able to take care of any propaganda which may have any effect on the armed forces of this country. The passage of this bill, in my opinion, is a confession on the part of the Congress that we do not have any confidence or any faith in the armed forces of our country, and in the personnel of those forces. It is a confession on the part of this Congress that we believe the boys in the Army and Navy are so weak that they will fall for any propaganda that may be presented to them.

It seems to me that the passage of this act is a step away from our reliance on the Constitution of the United States and our own belief in the principles of democracy.

I want to now go to a subject that has been brought up by the gentleman from Oklahoma, with reference to the second section of the bill which refers to pamphlets and letters which a person may have in his or her possession. The second section says that a search warrant may be issued to recover from any person or any place any paper or pamphlet which the person may have in his or her possession of the character described in section 1. As was stated by the gentleman from Oklahoma, a Congressman receives a lot of letters. I am a member of the Organized Reserves of the United States Army. Now, suppose a constituent who has no faith in the President of the United States, the Commander in Chief of the Army, really believed that the President was trying to force this country into war, as has been charged on the floor of the House, and he wrote me that I should immediately resign from the Organized Reserves for that reason. In other words, he would be advocating that I should be disloyal to my oath as a Reserve officer. In that instance would the gentleman suggest that I would be violating this particular section of the bill if I did not immediately destroy that letter? Because under the terms of this bill a search warrant would certainly lie to search my office and search my person in order to get possession of that particular letter.

I do not see why it would not, because the intent of the person that wrote that letter was to influence me to do a disloyal act, and that paper is recoverable by a search warant. Will the gentleman answer me on that?

Mr. HOBBS. I would be happy to answer, if the gentleman will allow me.

This bill is aimed at the one who sought to make the gentleman disloyal. It is aimed at the instigator rather than the recipient of that printed matter. The search-warrant provision applies only to him, and not to the gentleman

Mr. EBERHARTER. The search-warrant provision would certainly be for the recovery of any of these papers, letters, or pamphlets. Suppose that letter, or letters of that sort, were in my possession; you would not issue a search warrant against the person who wrote the letter to me; the search warrant would be directed against me or my office, so that the letter could be recovered from my files.

Mr. HOBBS. No.

Mr. EBERHARTER. That is the meaning of the section. I do not believe that if the gentleman has any other interpretation of that he will be sustained, because the section says that any book, pamphlet, or paper may be taken from any house or other place in which it may be found. It may be found in my files in my office, and naturally the search warrant must be directed against me.

Mr. HOBBS. The gentleman asked me a question and I

shall be pleased to answer.

I do not consider that the interpretation the distinguished gentleman from Pennsylvania, great lawyer that he is, seems to put upon this section is tenable. This provision is aimed at the headquarters of such a propaganda organization, that sends out tons and tons of such literature and pumps it into the Army, the Navy, and the Marine Corps today. It is not aimed at the gentleman and it cannot be used against him. It never would be used against the gentleman or any other Member of Congress or any other honest-to-God American citizen.

Mr. EBERHARTER. The gentleman will admit that under the wording of section 2 of this act a search warrant would lie against me if I had in my possession any letters of that sort? The gentleman certainly will not deny that, will he?

Mr. HOBBS. I certainly will deny that any judge on earth would issue a search warrant against the gentleman or anybody like him.

[Here the gavel fell.]

Mr. FERGUSON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California to strike out section 1 of this bill. This is the last country in the world to maintain democratic institutions. It is the one country, to my knowledge, that anticipates a genuine, bona fide election in 1940 which will determine its representative government for the next 4 years. This is the one Nation in the world that still is able to raise its armed forces by the volunteer method. Even England had to make military service compulsory. This country is still maintaining its defenses by volunteers. Every man in the Navy and every man in the Army, every man in the Coast Guard and every man in the Reserves, is in the armed service because he wants to be there. If he is in that armed service, that is enough assurance to me of his patriotism, his courage, and his desire to protect this country. To me that is a certificate of his patriotism to the extent that he does not need to have his mail censored or sifted so that he shall be given what he is capable of understanding or capable of digesting. He does not need any service; he does not need any censorship. He will be able to draw his own conclusions.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Texas. Mr. SOUTH. The gentleman knows, does he not, that there have been many instances of men volunteering in the Army in order to get secrets and to interfere with the manufacture of airplanes and ammunition?

Mr. FERGUSON. Certainly. The Army or the Navy can expel and punish such persons without any legislation of this sort.

Mr. SOUTH. But the gentleman said the mere fact that they volunteered to join the Army was all the guarantee he would want as to their loyalty.

Mr. FERGUSON. They soon are discovered if they are joining for that purpose. We certainly have some well-educated officers in our service. I can well imagine under a very narrow interpretation of this bill that an officer's quarters might be searched and the officer be very severely embarrassed because he had a copy of Karl Marx's book on Capital in his library. It could be easily carried that far and it has been carried that far in times of hysteria in all countries. I can easily imagine that it might be criminal to have books on communism in his possession and that his quarters might be searched and that material seized.

If we have to protect our armed forces from subversive literature we must admit we are the poorest salesmen of democracy in the world. We have every advantage in this country. Our armed forces are better equipped, better paid, and better entertained. Are we going to say that we are incapable of selling our armed forces, who joined the service voluntarily, on the advantages of democracy, that we have to watch their mail, and that we have to supervise their reading, for fear that they who are enjoying the advantages of our armed service and doing so on their own volition will be sold on the advantages of going toward a form of government where they lose the very liberties they now have in this Nation? [Applause.]

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Chairman I rise in opposition to the pro forma amendment.

Mr. Chairman, we have been on this bill now for 4 hours. As the author of the bill, let me say that I think we ought to have exhausted about all the necessary sob stuff about the poor alien and we might now begin to consider something about the American people.

The particular item that is under discussion at this time was not written by me. It was first written by the Mc-Cormack committee, as the gentleman from Massachusetts [Mr. McCormack] has told you earlier in the afternoon, after an investigation authorized by this Congress into subversive activities. It lay dormant after that for several years and this year the Navy Department redrafted that bill and sent it to the Congress asking for its adoption.

Do you prefer to take the statement of gentlemen who dislike this kind of legislation as to what the Army and the Navy need, or will you take the statement of the experienced officers of the Army and the Navy who tell you their need and tell you that they need legislation of this kind. This is the simple question presented to this committee on this motion, and I took the floor simply to read a statement from the officer of the Navy who appeared before the Judiciary Committee in advocacy of this legisla-

Mr. IZAC. Mr. Chairman, will the gentleman yield? Mr. SMITH of Virginia. Not at this time.

I take the time now to read this statement to you because gentlemen who have undertaken to quote from the statement of the Navy Department on this subject have, for some reason, omitted to read this particular statement of Lieutenant Nunn. When he appeared before the Judiciary Committee he said:

The last time we came before Congress with this request we were forced to say there had been no apparent damage done. I am afraid now, gentlemen, that we have to report that damage is being done, and that is the reason this measure was renewed after it was allowed to lie dormant during the Seventy-fifth Con-

The choice is yours, whether you will take the word of the Army and the Navy who have had experience with this matter, or take the word of those who dislike legislation of this character.

Mr. IZAC. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes; I yield if I have any more

Mr. IZAC. The gentleman named the officer who appeared before the Judiciary Committee. Will the gentleman state it again, please?

Mr. SMITH of Virginia. I think it was Lieutenant Nunn, but I am not sure.

Mr. HOBBS. Lieutenant Nunn and Commander Bledsoe. Mr. IZAC. Did it ever occur to the gentleman that these are very subordinate officers, and that you did not hear from the head of the Navy, the Secretary of the Navy, or The Assistant Secretary of the Navy?

Mr. SMITH of Virginia. We did hear from everybody in the Navy Department from the Secretary down. When any officer of the Navy is sent to appear before a committee of the House advocating legislation which the Department wants, he is representing the head of the Navy.

Mr. IZAC. Does the gentleman know there is a strong conflict of opinion in the Navy Department and in the War Department, and this is the first year the War Department ever asked for legislation of this kind, being against bills similar to this?

Mr. SMITH of Virginia. We cannot go behind the man who comes here representing a department, and if there was any such division of opinion, it never came to the notice of this committee.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. Izac].

The question was taken; and on a division (demanded by Mr. Izac) there were-ayes 30, noes 115.

So the amendment was rejected.

Mr. HOBBS. Mr. Chairman, at the suggestion of the gentleman from New York [Mr. MARCANTONIO], which I appreciate very deeply, I ask unanimous consent that the further reading of the committee substitute be dispensed with, and that the committee substitute be printed in the RECORD at this point and be subject to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The matter referred to follows:

SEC. 6. (a) Section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended, is amended to read as follows:

1917 (39 Stat. 839; U. S. C., title 8, sec. 155), as amended, is amended to read as follows:

"SEC. 19. At any time within 5 years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; any alien who at any time after entry knowingly, and for gain, shall have encouraged, induced, assisted, abetted, or aided any other alien to enter, or try to enter the United States in violation of law; any alien engaged at any time after entry in espionage for a foreign government or international political agency seeking to change the character of the Government of the United States or influence its policies; any alien who has at any time after entry been convicted of violation of a State narcotic law; any alien who at any time after entry possesses or carries any weapon without legal authority which shoots or is designed to shoot automatically or semiautomatically more than one shot without manual reloading, by a single function of the trigger, or any firearm that has a muffler or silencer, or a weapon commonly called a sawed-off shotgun; any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within 5 years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who is sentenced to imprisonment for a term of I year or more because of conviction in this country of a crime involving moral turpitude, committed at any time after the entry of the alien to the United States; any alien who shall have entered the United States, or who shall receive, share in, or derive benefit from any p "SEC. 19. At any time within 5 years after entry, any alien who who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 4 hereof; any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude; at any time within 3 years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner of Immigration and Naturalization, or at any time not designated by immigration and naturalization officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported: Provided, That the marriage to an American citizen of a female of the sexually immoral classes, the exclusion or deportation of which is prescribed by this act, shall exclusion or deportation of which is prescribed by this act, shall

not invest such female with United States citizenship if the marriage of such alien female shall be solemnized after her arrest the commission of acts which make her liable to deporta tion under this act: Provided further, That the provision of this section respecting the deportation of allens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within 30 days thereafter, due notice having first been given to representatives of the State, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment, or the entry of an order releasing him on prophetion or partle. Provided the termination of his imprisonment, or the entry of until after the termination of his imprisonment, or the entry of an order releasing him on probation or parole: Provided further, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States: Provided further, That the provisions of this section shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof: Provided further, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provisions of this act, or of any law or treaty, the decision of the Secretary of Labor shall be final."

(b) The amendments made by subsection (a) shall not apply

(b) The amendments made by subsection (a) shall not apply with respect to any act done prior to the date of enactment of this act, but such section 19 shall be enforced with respect to any such act as if such amendments had not been made.

TITLE III

SEC. 7. That the act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," approved October 16, 1918, as amended, is amended to read as follows:

amended to read as follows:

"Sec. 1. That any alien who is at the time of his application for admission into the United States or who was at any time theretofore a member of any one of the following-described classes shall be excluded from admission into the United States.

"(a) Aliens who are anarchists.

"(b) Aliens who advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government.

organized government

organized government.

"(c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches (1) the overthrow by force or violence of the Government of the United States or of all forms of law; or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (3) the unlawful damage, injury, or destruction of property; or (4) sabotage sabotage.

unlawful damage, injury, or destruction of property; or (4) sabotage.

"(d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching (1) the overthrow by force or violence of the Government of the United States or of all forms of law; or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government; or (3) the unlawful damage, injury, or destruction of property; or (4) sabotage.

"(e) Aliens who are members of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distribtued, printed, published, or displayed, or that has in its possesison for the purpose of circulation, distribution, publication, issue, or display any written or printed matter of the character described in subdivision (d).

"It being the intent and purpose of this section that membership in any one of such classes at the time admission is sought or at any time theretofore, of no matter how short duration or how far in the past, shall prevent admission.

"For the purpose of this section: (1) The giving, loaning, or

any time theretorore, of no matter now short duration of now lar in the past, shall prevent admission.

"For the purpose of this section: (1) The giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character shave described shall constitute affiliation therewith: the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.
"SEC. 2. That any alien who, knowingly and voluntarily at any time became a member of any one of the classes of aliens enumer-

ated in section 1 of this act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this act, irrespective of the time of their entry into the United States. The fact of the membership of any alien in any class of aliens indicated in section 1 of this act shall, of itself, authorize and require his deportation; wholly without regard to the place, time, length, or character of such membership.

"It being the intent and purpose of this section that membership in any one of the classes of aliens enumerated in section 1 of this act, at any time, of no matter how short duration or how far

this act, at any time, of no matter how short duration or how far in the past, irrespective of its termination or of how it may have

in the past, irrespective of its termination or of how it may have ceased, shall require deportation.

"Sec. 3. That any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this act, thereafter return to or enter the United States or attempt to return to or to enter the United States shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term of not more than 5 years; and shall, upon the termination of such imprisonment, be taken into custody, upon the warrant of the Secretary of Labor, and deported in the manner provided in the Immigration Act of February 5, 1917."

TITLE IV

SEC. 8. No immigration visa shall hereafter be issued to any alien seeking to enter the United States unless said alien has been alien seeking to enter the United States unless said alien has been fingerprinted in triplicate; one copy of the fingerprint record to be utilized as far as practicable by the consul in ascertaining whether or not the person making application for entry is the person whose name is set forth in the application and whether or not the applicant has a criminal record or other statutory disqualification which would exclude him from entering the United States; the second copy of the fingerprint record to be attached to the alien's immigration visa to provide for verification of the immigrant's identity upon arrival at a port of entry of the United States; and the third copy of the fingerprint record to be sent directly to the Division of Identification of the Department of Justice for filing in the alien section of its noncriminal records. in the alien section of its noncriminal records

Mr. STARNES of Alabama. Mr. Chairman, I have an amendment which I now offer.

The Clerk read as follows:

Amendment offered by Mr. Starres of Alabama: On page 20, strike out lines 5 to 10, inclusive, and insert the following: "enter the United States in violation of law; any alien who has been convicted of, or who has admitted in writing that he has engaged in espionage or sabotage for a foreign government since entry into the United States; any alien who, at any time after entry, has been convicted of a violation of or conspiracy to violate any narcotics law of the United States or of any State, Territory, insular possession, or of the District of Columbia, or has been judicially committed to a public or private institution as a habitual user of narcotic drugs; any alien."

Mr. STARNES of Alabama. Mr. Chairman, I shall not take all the time. This is another perfecting amendment.

One of the greatest problems we have today is the question of espionage by aliens. Recent press dispatches disclose the tremendous growth of the activities of alien spies in this country during the past 12 months.

This House has already passed by unanimous consent a bill which I introduced (H. R. 6724) to deport alien spies and saboteurs and alien violators of State narcotic laws, and the Senate Immigration Committee has reported that bill favorably and it is now on the Senate Calendar. This language is to cause the language of the present bill dealing with the same problem to conform with the language of the bill which the House has already approved.

Mr. CELLER. Mr. Chairman, will the gentleman yield? Mr. STARNES of Alabama. I yield to the gentleman from New York.

Mr. CELLER. I may say to the gentleman that the author of the bill, the distinguished gentleman from Virginia [Mr. Smith] and myself and the distinguished gentleman from Alabama [Mr. Hobbs], in charge of the bill, are pleased to accept his amendment.

Mr. STARNES of Alabama. I thank the gentleman.

I simply want to say that this is another evidence of our intention to require court conviction in order to protect an alien charged with a violation of the law from unwarranted deportation. We seek to place around an alien the protective arm of the law and reaffirm our faith and confidence in the courts of the United States. Some of those who have been so bitter in their opposition to this very bill, less than 2 years ago voted down an amendment by the distinguished gentleman from Alabama [Mr. Hobes] which sought to

place the protecting arm of the courts around American citizens and the property of American citizens. [Applause.]

Mr. THORKELSON. Mr. Chairman, I rise in support of the amendment. I am glad to vote for any amendment that has for its purpose the obliteration of un-American activities in the United States. It is only a few days ago, July 19, that I inserted in the daily Record the report of the Department of Justice on German bund activities in the United States. We have heard a great deal about the socalled Nazi, Fascist, and bund organizations in the United States. In referring to the report of the Federal Bureau of Investigation, which fills 14 volumes, I find there are only about 7,000 members of the so-called German bund. They are not considered sufficiently dangerous by the Department of Justice to deserve any special attention. The real danger in the United States is not from activities of that sort, although I must grant that they are un-American activities. The danger lies entirely in communism as it exists now and as it has existed for over 26 years, and for the last 20 years very actively. If the Members will look back they will find in Senate Document 14 a complete résumé of communistic activities prepared by the United Mine Workers of America. The gentleman from Michigan [Mr. HOFFMAN] inserted that same report in the RECORD of June 1, 1937.

I shall call attention now to some of the un-American organizations and extend their names in the RECORD. We have the National Economic and Social Planning Association; the Committee on Neutrality Legislation; the Peoples Lobby; the American Commonwealth Political Federation; the American Commonwealth Plan; the Commonwealth Federation of New York, Inc.; the Commonwealth Federation, April 1937; the Survey Associates; the League for Industrial Democracy; the Public Ownership League; the American Civil Liberties Union, the national committee and board of directors of that union; the cooperative movement; the Utilities Consumers and Investors League (of Illinois); the Committee on National Economic Policy; the Communist Party headed by Earl Browder, William Z. Foster, Herbert Ben-jamin, Sidney Hillman, Israel Amter, and so forth; the Workers Alliance, with David Lasser, Herbert Benjamin, Angelo Herndon, Earl Browder, and others; the Committee for Industrial Organization, C. I. O., John L. Lewis, Charles P. Howard, John Brophy, Sidney Hillman, David Dubinsky, and others; the New School for Social Research, William Leiserson and Rev. Kenneth Lyons; the Public Affairs Committee, financed by the Falk Foundation; the National Religion and Labor Foundation; the Washington Friends of Spanish Democracy, with Leon Henderson, president, and William Leiserson and Rev. Kenneth Lyons; the National Popular Government League; the American Association for Economic Freedom; National Popular Government League; American League Against War and Fascism; the Brookings Institution; North American Committee to Aid Spanish Democracy.

These are some of the groups that are connected with the so-called pink, red, and scarlet activities. Some of the Members of this House are also connected with some of these organizations, and if anyone would like to know who they are I would be glad to give the names of them.

Mr. DONDERO. The gentleman does not intend to include the Brookings Institution in that list?

Mr. THORKELSON. Yes.

Mr. DONDERO. Engaged in subversive activities?

Mr. THORKELSON. Yes; through membership.

Mr. DONDERO. Against the Government of the United States?

Mr. THORKELSON. Yes; through membership.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. GEYER of California. Would the gentleman like to give the names of the gentlemen in this House who are Communists?

Mr. THORKELSON. I would be very glad to give the names of the organizations with which they are connected if the gentleman so desires.

Mr. GEYER of California. Suppose the gentleman puts them in the RECORD.

Mr. THORKELSON. I shall if there is no objection.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. HOBBS. Mr. Chairman, I ask unanimous consent that all debate upon the pending amendment close in 5 minutes. The CHAIRMAN. Is there objection?

There was no objection.

Mr. DUNN. Mr. Chairman and Members of the Committee, a great deal has been said on the floor today about communism, socialism, fascism, nazi-ism, and so forth. I do not believe that those who advocate a philosophy of Government which is different than our own can be successful in undermining our Government provided we can find employment for the 12,000,000 people who are unemployed and provide adequately for the 30,000,000 people who, according to statistics, are in need of food, shelter, and clothing. Any person who has studied ancient, medieval, and modern history knows that a government which has properly taken care of its subjects was never undermined by an outside power.

If a revolution would come to pass in our country—and I hope that such a thing will never occur—it will happen because the legislative bodies in the United States have failed to do their duty toward their fellow men.

There is not any reason why millions of people in our great, rich land should be deprived of the necessities of life. Our great country has an abundance of everything which is necessary to provide adequately for its people. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. HANCOCK. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Hancock: Page 21, line 1, strike out the word "crime", and insert in lieu thereof the word "felony."

Mr. HANCOCK. I have another amendment, Mr. Chairman, and I would like to have it read so that the Members may know how they fit together.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment proposed by Mr. Hancock: Page 21, line 2, strike out the words "at any time", and insert in lieu thereof "within 5 years"; in line 3, after the word "States", insert "or who is sentenced more than once to such term of imprisonment because of conviction in this country of any felony involving moral turpitude committed at any time after entry."

Mr. HANCOCK. Mr. Chairman, my amendments simply write into the bill the present language of the law, with this exception, that the word "felony" is substituted for the word "crime." That is to take care of several imaginary hardship cases that the gentlemen from New York [Messrs. Dickstein and Celler] referred to the other day. They seemed to fear that some little boys were going to be deported for stealing apples, or older aliens for violating traffic rules. There is nothing in the law or the bill which would permit deportation for any such trifling offenses as those, but nevertheless, so that there will be no ambiguity whatsoever, I suggest that we substitute the word "felony" for the word "crime."

I think the present law is sufficiently drastic on the point we are considering. If we take the bill as proposed it means that an alien will be deportable, no matter how long after his admission to this country he may commit one of the crimes specified in this bill. It means that an old man, after being here 40 years, with his roots planted deep in this country, with children and grandchildren American-born, and with no ties at all in the old country, would be deportable. In fact, the deportation would be mandatory if he commits a crime involving moral turpitude and is sentenced to imprisonment for 1 year or more. I think we ought to be moderate about this. I think the present law is sufficiently severe and that the bill, as proposed, goes altogether too far. This amendment should be adopted. simply preserves the present law in this one respect.

The CHAIRMAN. Does the gentleman from New York wish the two amendments to be considered together?

Mr. HANCOCK. If that is possible.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOBBS. What is the other amendment?

Mr. HANCOCK. The other one strikes out the language "at any time" and rewrites the present limitation, which has been the law since 1917.

Mr. HOBBS. Where?

Mr. HANCOCK. In line 2. It means you could not deport a man, after he had been here a lifetime, for one crime and imprisonment. I substitute the limitation provided in the present law.

Mr. HOBBS. Your amendment would leave that part of the section reading "after entry of the alien to the United

States"?

Mr. HANCOCK. No. My amendment would provide that if an alien, who had been less than 5 years in this country, were convicted of a crime involving moral turpitude and sentenced to imprisonment for 1 year or more, he could be deported. After that he could not be deported for one such conviction, but could be deported for two or more. It merely continues the present statute of limitations on deportation for conviction of a felony involving moral turpitude which is a very broad term. Also, to satisfy the gentleman from New York, I change the word "crime" to "felony," so that there will be no misunderstanding about that.

Mr. CELLER. Will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. CELLER. I am naturally in accord with the gentleman's viewpoint, and I naturally would vote for such an amendment. I do want to call attention to the fact that on page 23, subdivision (b), it indicates the amendments which are in subparagraph (a) are prospective and not retroactive. However, it is well to include the gentleman's amendment, because that would remove all doubts.

Mr. HANCOCK. My amendment does not change present law except to change the word "crime" to "felony," and I do not believe that changes the meaning of the statute.

Mr. KEEFE. Will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. KEEFE. Do I understand the first amendment relates to line 1, page 21?

Mr. HANCOCK. That is correct.

Mr. KEEFE. In which you seek to change the word "crime" to "felony"?

Mr. HANCOCK. Yes. I do not think it will change the meaning of the law at all. It will disabuse some people's minds of hallucination and dispell unwarranted fears.

Mr. KEEFE. So that the line would read "conviction in this country of a felony involving moral turpitude"?

Mr. HANCOCK. That is correct.

Mr. KEEFE. And you would exclude all of those classes of crimes which may not be felonies, yet which involve moral turpitude?

Mr. HANCOCK. If the gentleman will read the whole phrase, he will see that both the bill and the present law have reference only to aliens who have been convicted of crimes involving moral turpitude and have been sentenced to imprisonment for 1 year or more. I do not believe it was ever intended to deport aliens for misdemeanors.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, title II is a rewrite of existing law. The trouble which the Immigration Service has had both under Republican administration and Democratic administration, ever since there has been an immigration service, has been with that provision of the original law which says "within 5 years." This committee bill is a sincere attempt to make this a better law. We put in here "committed at any time after entry into this country." I have no objection to the substitution of the word "felony" for the word "crime," because they are synonymous, but I certainly hope that the amendment offered by the distinguished gentleman from New York [Mr. Hancock]—for whose opinion I have the highest regard—will not prevail for it strikes at the heart

of this section of the committee substitute. I ask you to vote down his amendment.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

The CHAIRMAN. The gentleman will state it.
Mr. MICHENER. I ask that the amendments be divided
on the vote.

Mr. HANCOCK. Mr. Chairman, I have no objection to the gentleman's request.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will read the first part of the amendment.

The Clerk read as follows:

Amendment offered by Mr. Hancock: Page 21, line 1, strike out the word "crime" and insert the word "felony."

The CHAIRMAN. The question is on the amendment. The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 111, noes 3.

So, the amendment was agreed to.

The CHAIRMAN. The Clerk will read the second part of the amendment.

The Clerk read as follows:

Amendment offered by Mr. Hancock: Page 21, line 2, strike out the words "at any time" and insert in lieu thereof "within 5 years", and in line 3, after the word "States", insert "or who is sentenced more than once to such term of imprisonment because of conviction in this country of any felony involving moral turpitude committed at any time after entry."

The CHAIRMAN. The question is on the amendment. The question was taken; and on a division (demanded by Mr. Hancock) there were—ayes 62, noes 68.

So the amendment was rejected.

Mr. MARTIN of Colorado. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. Martin of Colorado: On page 24, line 11, after the word "anarchists", strike out the period, insert a comma, and add the words "Communists, Nazis, or Fascists."

Mr. HOBBS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Chapman, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5138) to suppress certain subversive activities, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. Powers (at the request of Mr. Seger), indefinitely, on account of important business.

To Mr. Lesinski, indefinitely, because of illness in family.

PROMOTING NAUTICAL EDUCATION

Mr. BLAND. Mr. Speaker, I call up the conference report on the bill (H. R. 5375) to promote nautical education, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendments?

Mr. BLAND. The Senate added two amendments. One made a grammatical correction. On this amendment the House receded. The other amendment required that in working out these nautical-school matters it should be done subject to the rules and regulations of the Navy. It will be recalled that the Coast Guard is under the Treasury Department.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement of the managers on the part of the House

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5375) to promote nautical education, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same.

S. O. BLAND, ROBERT RAMSPECK, FRANCIS D. CULKIN, Managers on the part of the House. JOSIAH W. BAILEY, MORRIS SHEPPARD, BENNETT C. CLARK, WALLACE H. WHITE, Jr., W. WARREN BARBOUR, Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5375) to promote nautical education, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recom-

of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House bill authorizes the Commandant of the Coast Guard to detail persons in the Coast Guard for duty in connection with maritime instruction by the United States and by the several States. The Senate amendment No. 1 makes a textual correction, and the House recedes from its disagreement to the amendment and agrees to the same. The Senate amendment No. 2 added a provision that such detail of any person shall be subject to the same rules and regulations as are provided by the Navy in regard to such tours of duty. The Senate recedes from its amendment.

S. O. BLAND, ROBERT RAMSPECK FRANCIS D. CULKIN, Managers on the part of the House.

The conference report was agreed to. A motion to reconsider was laid on the table.

AMENDMENTS TO MERCHANT MARINE AND SHIPPING ACTS

Mr. BLAND. Mr. Speaker, I call up the conference report on the bill (H. R. 6746) to amend certain provisions of the Merchant Marine and Shipping Acts, to further the development of the American merchant marine, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6746) to amend certain provisions of the Merchant Marine and Shipping Acts, to further the development of the American merchant marine, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments: On page 2, line 17, of the Senate engrossed amendment, strike out "ten" and insert five; on page 4, line 16, after the words "vessels and" insert a comma, the words for instructional purposes only and a comma; and the Senate agree to the same.

S. O. BLAND. ROBERT RAMSPECK, FRANCIS D. CULKIN, Managers on the part of the House.

JOSIAH W. BAILEY, MORRIS SHEPPARD, WALLACE H. WHITE, JR. W. WARREN BARBOUR, BENNETT C. CLARK, Managers on the part of the Senate.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6746) to amend certain provisions of the Merchant Marine and Shipping Acts, to further the development of the American merchant marine, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate amendment struct out all effer the exacting clause

The Senate amendment struck out all after the enacting clause of the House bill and inserted a substitute which is identical with the House bill, except in sections 3 and 5. The House recedes from its disagreement to the Senate amendment and agrees to the same with amendments.

Section 3 of the House bill amends section 201 (e) of the Merchant Marine Act, 1936, as amended, to authorize the Marines and Marine Act, 1936, as amended, to authorize the Marines and Marines an

Merchant Marine Act, 1936, as amended, to authorize the Maritime Commission to appoint a limited additional number of expert employees without regard to the civil-service laws or the Classification Act of 1923, as amended. The Senate amendment in addition provides for a clerk to the general counsel as an exempt position. The conference agreement adopts this Senate provision. The Senate amendment adds a new subsection (b) to section 3 of the House bill, giving the Maritime Commission authority to detail annually not to exceed 10 members of its staff for advanced technical training at institutions for scientific education and research. The conference agreement adopts the Senate provisions with an amendment reducing the number of persons who may be so detailed for training from 10 to 5.

Section 5 of the House bill amends section 216 of the Merchant Marine Act, 1936, as amended, to authorize the Maritime Commis-

Section 5 of the House bill amends section 216 of the Merchant Marine Act, 1936, as amended, to authorize the Maritime Commission to provide for the training of cadets on ships and for extension and correspondence courses for merchant marine personnel and cadets. The Senate amendment further amends section 216 to extend the class of eligible trainees in the existing maritime service to include persons without previous experience. The conference agreement adopts the Senate provision.

The Senate amendment (sec. 5), in addition to the authority granted in the House bill to train cadets on ships, authorizes the training of such cadets in shipyards, plants, and industrial and educational organizations. The conference agreement adopts the Senate provision with an amendment clearly restricting the use of shipyards, plants, and industrial and educational organizations, in

the training of cadets, to instructional purposes only.

S. O. BLAND, ROBERT RAMSPECK, FRANCIS D. CULKIN, Managers on the part of the House.

The conference report was agreed to. A motion to reconsider was laid on the table.

AMENDMENT TO FEDERAL HOME LOAN BANK ACT, HOME OWNERS' LOAN ACT OF 1933, AND TITLE OF THE NATIONAL HOUSING ACT

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 1413), which was referred to the House Calendar and ordered to be printed:

House Resolution 280

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6971, a bill to amend the Federal Home Loan Bank Act, Home Owners' Loan Act of 1933, title IV of the National Housing Act, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recom-Resolved, That upon the adoption of this resolution it shall be passage without intervening motion, except one motion to recommit. with or without instructions.

ADMINISTRATION OF UNITED STATES COURTS

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill S. 188, to provide for the administration of the United States courts, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

The conference and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 188) to provide for the administration of the United States courts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

On page 2 of the engrossed House amendment, in line 17, after the word "supervision" insert "and direction".

On page 4, in line 23, after the word "Budget" insert the following sentence: "All estimates so submitted shall be included in the Budget without revision (but subject to the recommendations of the Bureau of the Budget thereon), in the same manner as is provided for the estimates of the Supreme Court by section 201 of said Act."

On page 7 in line 8 strike the word "constitute" and insert in

On page 7, in line 8, strike the word "constitute" and insert in lieu thereof the words "be deemed to be".

On page 7, in line 14, insert quotation marks at the end of the line following the words "for such circuit".

On page 7, in line 15, strike "Sec. 309" and insert in lieu thereof "Sec. 2".

On page 8, in line 8, strike "Sec. 2" and insert in lieu thereof "Sec. 3".

On page 8, in line 21, strike "Sec. 3" and insert in lieu thereof "Sec. 4".

On page 9, in line 6, strike "Sec. 4" and insert in lieu thereof "Sec. 5."

On page 9, in line 12, strike "Sec. 5" and insert in lieu thereof "Sec. 6."

On page 9, in line 17, after the words "of the courts," insert the words "and such other employees of the courts not excluded by section 304 of Chapter XV as hereinbefore set forth,".

On page 9, in line 19, strike "Sec. 6" and insert in lieu thereof "Sec. 7."

And the House agree to the same.

EMANUEL CELLER. WALTER CHANDLER, SAM HOBBS EARL C. MICHENER, JOHN W. GWYNNE, Managers on the part of the House. CARL A. HATCH,
M. M. LOGAN,
EDWARD R. BURKE,
WARREN R. AUSTIN,
JOHN A. DANAHER, Managers on the part of the Senate.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 188) to provide for the administration of the United States courts, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference

by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and inserted the provisions of the companion House bill (H. R. 5999) with committee amendments. The Senate recedes from its disagreement to the House amendment and agrees to the same with the modifications hereinafter explained.

The Senate bill provided that Budget estimates for the courts should be included in the Budget without revision. The House amendment struck out this provision, leaving the estimates subject to the revision of the Bureau of the Budget. As agreed upon in conference, the estimates are to be included in the Budget without revision, but the Bureau of the Budget may submit recommendaevision, but the Bureau of the Budget may submit recommenda-

revision, but the Bureau of the Budget may submit recommendations thereon.

The House amendment placed all employees except the Director and Assistant Director under civil service, a provision which the Senate bill did not contain. The House provision is retained.

Both the Senate bill and the House amendment provide that all administrative powers and duties now conferred upon the Department of Justice with reference to certain employees shall be transferred to the administrative office of the United States courts. In the Senate bill the employees listed are clerks of courts, their deputies, and clerical assistants, law clerks, secretaries and stenographers to the judges librarians in charge of libraries of the courts. uties, and clerical assistants, law clerks, secretaries and stenographers to the judges, librarians in charge of libraries of the courts, and all other employees of the courts. The House amendment struck out the words "and all other employees of the courts." The conferees agreed to substitute for the quoted words the following: "and such other employees of the court not excluded by section 304 of chapter XV as hereinabove set forth." Section 304 referred to provides that nothing contained in this act shall be construed as affecting the authority of the courts to appoint their administrative or clerical personnel, or the authority of the Attorney General respecting United States marshals and their deputies, United States attorneys, and their assistants.

The House amendment contained a provision not found in the Senate bill repealing a part of the current appropriation act for the

Senate bill repealing a part of the current appropriation act for the

Justice Department, which provided that no part of the appropriasustee Department, which provided that no part of the appropriation should be used to pay any probation officer whose work falls to comply with orders and regulations of the Attorney General and unless the district judge shall have, so far as possible, required the appointee to conform with qualifications prescribed by the Attorney General. The House provision is retained.

There are several changes made in the wording of the House amendment to attain more precise expression without substantial change in meaning. Several section numbers are also changed.

EMANUEL CELLER WALTER CHANDLER, SAM HOBBS. EARL C. MICHENER, JOHN W. GWYNNE, Managers on the part of the House.

The conference report was agreed to. A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MURDOCK of Utah asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include copies of three telegrams.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. SHEPPARD]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I wonder if some of these unanimousconsent requests might be postponed until tomorrow. We had anticipated holding a conference at 5 o'clock, and it is getting far beyond that time now.

The SPEAKER. That is a matter that rests entirely with the Members who seek recognition. The Chair cannot control that matter.

Is there objection to the request of the gentleman from California [Mr. SHEPPARD]?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill today may have 5 legislative days in which to revise and extend their own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. MARTIN]?

There was no objection.

Mr. Coffee of Washington, Mr. Patrick, Mr. Bender, and Mr. Leavy asked and were given permission to revise and extend their own remarks in the RECORD.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 1996. An act to amend the National Stolen Property

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 27, 1939:

H. R. 5407. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory and supplementary thereto.

On July 28, 1939:

H. R. 1996. An act to amend the National Stolen Property

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until tomorrow, Saturday, July 29, 1939, at 12 o'clock noon.

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MOTION TO DISCHARGE COMMITTEE

MARCH 29, 1939.

To the Clerk of the House of Representatives:

Pursuant to clause 4 of rule XXVII, I, Hon. JOSEPH A. GAVAGAN, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 103) entitled "A resolution to make H. R. 801, a bill to assure to persons within the jurisdiction of every State due process of law and equal protection of the laws, and to prevent the crime of lynching" a special order of business, which was referred to said committee February 22, 1939, in support of which motion the undersigned Members of the House of Representatives affix

- their signatures, to wit: 1. Joseph A. Gavagan. 2. Arthur W. Mitchell. 3. R. S. McKeough. 4. Martin J. Kennedy. 5. William B. Barry. 6. Sol Bloom. 7. W. T. Byrne. 8. Pius L. Schwert. 9. Vito Marcantonio. 10. William H. Sutphin. 11. John J. Delaney. 12. Andrew L. Somers. 13. Matthew J. Merritt.
- 14. James A. Shanley. 15. Arthur D. Healey. 16. Thomas A. Flaherty. 17. James A. O'Leary. 18. Lee E. Geyer. 19. James H. Fay. 20. Samuel Dickstein. 21. J. Harold Flannery. 22. Lawrence J. Connery. 23. Thomas F. Ford. 24. Michael J. Kennedy. 25. Thomas H. Cullen. 26. Edward J. Hart. 27. Martin L. Sweeney. 28. Eugene J. Keogh. 29. William T. Schulte. 30. Donald L. O'Toole. 31. Michael J. Kirwan. 32. Michael J. Bradley. 33. Joseph A. McArdle. 34. Leon Sacks. 35. Charles A. Buckley. 36. C. Arthur Anderson. 37. C. D. Sullivan. 38. Caroline O'Day. 39. Francis J. Myers. 40. Joseph L. Pfeifer. 41. Thomas C. Hennings. 42. Lewis D. Thill. 43. John C. Kunkel. 44. Edward A. Kelly. 45. Robert Crosser. 46. William Lemke. 47. James P. McGranery. 48. Leonard W. Schuetz. 49. James McAndrews. 50. E. M. Schaefer. 51. J. Will Taylor. 52. Ambrose J. Kennedy. 53. John D. Dingell. 54. M. A. Dunn. 55. William I. Sirovich.

56. Karl Stefan.

57. Jack Nichols.

58. Charles R. Clason. 59. J. Parnell Thomas.

60. Martin F. Smith.

61. Harry Sandager. 62. Albert G. Rutherford.

63. John G. Alexander. 64. Karl Mundt. 65. H. Carl Andersen. 66. Dow W. Harter. 67. C. C. Dowell, 68. James Wolfenden. 69. Clarence J. McLeod. 70. Vincent F. Harrington. 71. Rudolph G. Tenerowicz. 72. Jesse P. Wolcott. 73. Louis Ludlow. 74. Oscar Youngdahl. 75. Thomas D'Alesandro, Jr. 76. Franck R. Havenner. 77. Knute Hill. 78. Chester C. Bolton. 79. Charles A. Wolverton. 80. Walter Jeffries. 81. John M. Coffee. 82. Jennings Randolph. 83. Ed. V. Izac. 84. W. A. Pittenger. 85. W. H. Larrabee. 86. Charles F. Risk. 87. T. V. Smith. 88. James Seccombe. 89. L. L. Marshall. 90. Stephen Bolles. 91. Francis D. Culkin. 92. W. P. Lambertson. 93. M. H. Evans. 94. Harold Knutson. 95. Robert T. Secrest. 96. John F. Hunter. 97. Jerry Voorhis. 98. John H. Tolan. 99. Earl R. Lewis. 100. Usher L. Burdick. 101. James M. Fitzpatrick. 102. Leonard W. Hall. 103. Francis E. Walter. 104. John W. McCormack. 105. Joseph E. Casey. 106. A. J. Sabath. 107. John C. Martin. 108. U. S. Guyer. 109. Harry P. Beam. 110. Herman P. Eberharter. 111. D. Lane Powers. 112. George N. Seger.

113. Fred C. Gartner.

114. J. Francis Harter.

115. John M. Houston.

118. Harry N. Routzohn.

116. Kent E. Keller.

117. Chas. H. Elston.

120. John McDowell.

121. Robert J. Corbett.

119. Wm. E. Hess.

122. Carl Hinshaw.

123. Robert F. Rich.

124. Homer D. Angell.

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25. Thomas D. Winter.	172.	J. W. Ditter.
26. Hamilton Fish.	173.	Albert L. Vreeland.
27. Frank B. Keefe.		Raymond S. Springer.
28. Robert W. Kean.		Charles Kramer.
29. Clarence J. Brown.	176.	Richard J. Welch.
30. Carl T. Curtis.		B. W. Gearhart.
31. George H. Heinke.		Chester H. Gross.
32. N. M. Mason.		John W. Boehne.
33. George H. Bender.		Edith Nourse Rogers.
34. George S. Williams.		Frank O. Horton.
35. Robert L. Rogers.	182.	A. J. Maciejewski.
36. J. Roland Kinzer.		Edward H. Rees.
37. Robert Luce.		James F. O'Connor.
38. Ben. Jarrett.		Charles Hawks, Jr.
39. Albert E. Carter.		George J. Bates.
40. Arthur B. Jenks.		John A. Martin.
41. Clyde H. Smith.		Dewey Short.
42. George P. Darrow.		Elmer J. Ryan.
43. Frederick C. Smith.		Clare E. Hoffman.
44. James C. Oliver.	101	J. Joseph Smith.
45. George Holden Tinkham	102	H K Claypool
46. Pehr G. Holmes.		William A. Ashbrook.
47. Paul W. Shafer.		L. C. Arends.
48. Robert G. Allen.		Frank Carlson.
49. Emanuel Celler.		W. H. Wheat.
50. John C. Shaefer.		Thomas A. Jenkins.
51. Robert F. Jones.		James G. Polk.
52. Charles A. Plumley.		Robert B. Chiperfield.
53. Frank C. Osmers.		Leo E. Allen.
54. Ralph E. Church.		Cliff Clevenger.
55. Joseph J. O'Brien.		Harve Tibbott.
156. Anton J. Johnson.		Frank E. Hook.
157. Ben. F. Jensen.		George W. Johnson.
58. B. J. Gehrmann.		Harry R. Sheppard. Fred A. Hartley, Jr.
59. F. L. Crawford.		Merlin Hull.
160. Carroll Reece. 161. Joseph W. Martin, Jr.		J. Anderson.
		Frank H. Buck.
162. Bruce Barton.		
63. Harry L. Englebright.		Eugene B. Crowe.
164. John M. Vorys.		Charles L. Gerlach.
165. B. J. Monkiewicz.		Henry C. Dworshak.
166. Louis C. Rabaut.		Henry O. Talle.
167. Albert E. Austin.		Albert J. Engel.
168. Noble J. Johnson.		August H. Andresen.
69. Fred C. Gilchrist.		John M. Robsion.
170. George A. Dondero.	217.	William W. Blackney.
171. Everett M. Dirksen.		James E. Van Zandt.
This motion was entered up Congressional Record with sto to the Calendar of Motions to 1939.	ignat	tures thereto, and refer
		The second secon

in the eferred July 28,

COMMITTEE HEARINGS

COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs in the committee rooms, the Capitol, on Tuesday, August 1, 1939, at 10:30 a.m., for the purpose of considering the following resolutions: House Joint Resolution 364, requesting the President to invite the Interparliamentary Union to hold its annual conference in New York in 1940, and authorizing an appropriation to defray the expenses of the conference; House Joint Resolution 336, to provide that the United States extend to foreign governments invitations to participate in the Congress of the International Federation for Housing and Town Planning to be held in the United States in 1941, and to authorize an appropriation to assist in meeting the expenses of the Congress.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows: 1055. A letter from the Archivist of the United States, transmitting lists of papers consisting of 26 items from the Governors of the Federal Reserve System to be destroyed or

otherwise disposed of; to the Committee on the Disposition of Executive Papers.

1056. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a report of the activities of the Reconstruction Finance Corporation and the expenditures for the month of June 1939 (H. Doc. No. 456); to the Committee on Banking and Currency and ordered to be printed.

1057. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 24, 1939, submitting a report, together with accompanying papers and illustration, on reexamination of Crisfield Harbor, Md., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 23, 1938 (H. Doc. No. 457); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROBINSON of Utah: Committee on the Territories: H. R. 5919. A bill to provide for the refunding of the negotiable bonded indebtedness of municipal corporations and public-utility districts in the Territory of Alaska; with amendments (Rept. No. 1378). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee of conference. S. 839. An act to amend the Retirement Act of April 23, 1904 (Rept. No. 1379). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. AUGUST H. ANDRESEN: Committee on Agriculture. H. R. 6480. A bill to amend the Agricultural Adjustment Act of 1933; with amendments (Rept. No. 1380). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. S. 1955. An act to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture; with amendments (Rept. No. 1381). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. S. 1850. An act to aid the States and Territories in making provisions for the retirement of employees of the land-grant colleges; without amendment (Rept. No. 1382). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee on Indian Affairs. H. R. 2653. A bill to authorize acquisition of complete title to the Puyallup Indian Tribal School property at Tacoma, Wash., for Indian sanatorium purposes; with amendments (Rept. No. 1383). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 255. Joint resolution to provide for the erection of a memorial to the memory of Thomas J. (Stonewall) Jackson; without amendment (Rept. No. 1384). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 280. Resolution providing for the consideration of H. R. 6971, a bill to amend the Federal Home Loan Bank Act, Home Owners' Loan Act of 1933, title IV of the National Housing Act, and for other purposes; with amendment (Rept. No. 1413). Referred to the House Calendar.

Mr. MANSFIELD: Committee on Rivers and Harbors. H. R. 7270. A bill to amend the Bonneville Project Act; with amendments (Rept. No. 1414). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McGEHEE: Committee on Claims. H. R. 808. A bill for the relief of Zook Palm Nurseries, Inc., a Florida corporation; with amendments (Rept. No. 1385). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 809. A bill for the relief of Mike L. Blank; with amendments (Rept. No. 1386). Referred to the Committee of the Whole House.

Mr. SASSCER: Committee on Claims, H. R. 1428. A bill for the relief of First Lt. Samuel E. Williams; with amendments (Rept. No. 1387). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2049. A bill for the relief of Olin C. Risinger; with amendments (Rept. No. 1388). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 2358. A bill for the relief of Alfred Joseph Wright; with amendments (Rept. No. 1389). Referred to the Committee of the Whole House.

Mr. MACIEJEWSKI: Committee on Claims. H. R. 3159. A bill for the relief of the estate of Costas Demellis; with amendments (Rept. No. 1390). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 3172. A bill for the relief of Fiske Warren; with an amendment (Rept. No. 1391). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3676. A bill for the relief of C. E. Hendrickson and the Stephenville Hospital, Stephenville, Tex.; with amendments (Rept. No. 1392). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. H. R. 3962. A bill for the relief of Grace Campbell; with amendments (Rept. No. 1393). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 4033. A bill for the relief of Albert R. Rinke; with amendments (Rept. No. 1394). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 4072. A bill for the relief of Emmitt Courtney; with an amendment (Rept. No. 1395). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 4261. A bill for the relief of Maude Smith; with amendments (Rept. No. 1396). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 4300. A bill for the relief of Anton Saganey; with amendments (Rept. No. 1397). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 4349. A bill for the relief of the estate of Lewis Marion Garrard Hale; with amendments (Rept. No. 1398). Referred to the Committee of the Whole House.

Mr. HALL: Committee on Claims. H. R. 4601. A bill for the relief of Paul McCoy; with amendments (Rept. No. 1399). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 4616. A bill to pay to M. F. Gubrud, of Ambrose, N. Dak., \$261.75, money erroneously collected under protest, as duty on frozen wheat imported from Canada as feed for livestock, under the tariff act; with amendments (Rept. No. 1400). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 4885. A bill to extend the benefits of the Employees' Compensation Act of September 7, 1916, to James N. Harwood; with amendments (Rept. No. 1401). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. H. R. 5106. A bill for the relief of Mrs. Clinton Ward and Ester Ward; with amendments (Rept. No. 1402). Referred to the Committee of the Whole House.

Mr. COURTNEY: Committee on Claims. H. R. 5491. A bill to pay salary of Ruth Dornsife; with an amendment (Rept. No. 1403). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 5704. A bill to amend Private Law No. 310, Seventy-fifth Congress, first session, an act for the relief of D. E. Sweinhart; without

amendment (Rept. No. 1404). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. H. R. 5803. A bill for the relief of Clyde Equipment Co.; with amendments (Rept. No. 1405). Referred to the Committee of the Whole House.

Mr. KEEFE: Committee on Claims. H. R. 6084. A bill for the relief of Katheryn S. Anderson; with amendments (Rept. No. 1406). Referred to the Committee of the Whole House.

Mr. COURTNEY: Committee on Claims. H. R. 6099. A bill for the relief of Mrs. S. F. Sewell and the commissioners of roads and revenues, of Dooly County, Ga.; with amendments (Rept. No. 1407). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 6362. A bill for the relief of Annie Bearden, Ruth Bearden, Essie Burton, Beatrice Carter, Mary Cobb, Addie Graham, Annie Grant, Sallie Harris, Minerva Holbrooks, Omie Keese, Sallie Marett, Josie McDonald, Jessie Morris, Martha O'Shields, Mae Phillips, Leila H. Roach, Belva Surrett, and Shelley Turner; with an amendment (Rept. No. 1408). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 6513. A bill for the relief of Floyd H. Roberts; with amendments (Rept. No. 1409). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 6963. A bill for the relief of Buford Lee Pratt; with an amendment (Rept. No. 1410). Referred to the Committee of the Whole House.

Mr. COURTNEY: Committee on Claims. S. 555. An act for the relief of Addison B. Hampel; without amendment (Rept. No. 1411). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. S. 2513. An act for the relief of certain persons whose property was damaged or destroyed as a result of the crashes of two airplanes of the United States Navy at East Braintree, Mass., on April 4, 1939; without amendment (Rept. No. 1412). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KEOGH:

H. R. 7405. A bill to repeal an obsolete section of the District of Columbia Code; to the Committee on the District of Columbia.

By Mr. KUNKEL:

H. R. 7406. A bill granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Middletown, Pa.; to the Committee on Interstate and Foreign Commerce.

H. R. 7407. A bill granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Millersburg, Pa.; to the Committee on Interstate and Enging Commerce.

Foreign Commerce.

By Mr. SUTPHIN:

H. R. 7408. A bill to provide a minimum disability rating for soldiers, sailors, marines, and Coast Guard men discharged upon medical survey; to the Committee on World War Veterans' Legislation.

By Mr. HOPE:

H. R. 7409. A bill to terminate Federal crop insurance; to the Committee on Agriculture.

By Mr. MAAS:

H. R. 7410. A bill to provide certain benefits to aviation cadets and former aviation cadets, and for other purposes; to the Committee on Naval Affairs.

By Mr. MANSFIELD:

H. R. 7411. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. SOMERS of New York:

H.R. 7412. A bill to protect the currency system of the United States, to provide for the clearance, collection, and payment of certain foreign debts, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 7413. A bill creating the Great Falls Bridge Commission and authorizing the construction, maintenance, and operation of a bridge across the Potomac River near the Great Falls of the Potomac; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTWRIGHT:

H. R. 7414. A bill to provide for the financing of a program of recoverable highway expenditures, and for other purposes; to the Committee on Banking and Currency.

By Mr. DEMPSEY:

H. R. 7415. A bill relating to rentals in certain oil and gas leases issued under authority of the act of February 25, 1920, as amended, and for other purposes; to the Committee on the Public Lands.

By Mr. JONES of Texas:

H. J. Res. 376. Joint resolution authorizing the Secretary of Agriculture to accept from the National Grange a lease of the Kelley Homestead near Elk River, Minn., and providing for its development and maintenance; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

The SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to consider their Joint Resolution No. 29, A, with reference to foreign-trade agreements; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIS:

H.R. 7416. A bill for the relief of Theodore R. King; to the Committee on Claims.

By Mr. GARTNER:

H. R. 7417. A bill to authorize the cancelation of deportation proceedings in the case of Heinrich Aichinger; to the Committee on Immigration and Naturalization.

H. R. 7418. A bill to authorize the cancelation of deportation proceedings in the case of Nicola Eduardo Moccia; to the Committee on Immigration and Naturalization.

By Mr. WHITE of Idaho:

H.R. 7419. A bill for the relief of Giulio Cons; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5117. By Mr. CARTER: Petition of John E. Hughes and 23 others, residents of the city of Richmond, Calif., urging passage of legislation amending the Relief Act by eliminating the 130-hour and 30-day lay-off provisions of the bill; to the Committee on Appropriations.

5118. By Mr. PFEIFER: Petition of the Women's International League for Peace and Freedom, Portland, Oreg., concerning Senate bills 126 and 1970, and House bill 6038; to the Committee on Foreign Affairs.

5119. Also, petition of the New York State Association of Electrical Contractors and Dealers, New York City, urging continuation of Works Progress Administration projects and appropriation therefor; to the Committee on Appropriations. 5120. Also, petition of the United Federal Workers of America, New York City, concerning House bills 7157 and 7160; to the Committee on Appropriations.

5121. Also, petition of the United Federal Workers of America, Washington, D. C., concerning House bill 960; to the

Committee on the Civil Service.

5122. Also, petition of the American Federation of Musicians, Local 802, New York City, urging restoration of the prevailing wage rate on Works Progress Administration proj-

ects; to the Committee on Appropriations.

5123. By Mr. MICHAEL J. KENNEDY: Petition of Works Progress Administration Teachers Union, Local 453, of the American Federation of Teachers, representing 3,000 education and recreation workers in New York City, opposing the Dempsey deportation bill and the McCormack rider to the Walter espionage bill recently passed by the House; to the Committee on Appropriations.

5124. Also, petition of Cafeteria Employees Union, Local 302, New York City, representing 10,000 members employed in Manhattan and the Bronx, endorsing action taken by the Building and Construction Trades Council of Greater New York, relative to the wage rate of the locality; to the

Committee on Appropriations.
5125. Also, petition of the Chelsea Association for Planning and Action, urging immediate enactment of House bill 2888, without 10-percent contribution from community pro-

vision: to the Committee on Appropriations.

5126. Also, petition of the Chelsea Tenants League, New York City, urging immediate enactment of House bill 2888, without 10-percent contribution from community provision; to the Committee on Appropriations.

5127. Also, petition of the executive director of the American Federation of Housing Authorities, urging enactment of Senate bill 591, to amend the United States Housing Act; to the Committee on Banking and Currency.

5128. Also, petition of the Gudebrod Bros. Silk Co., Inc., of Philadelphia, Pa., pertaining to the lending program; to

the Committee on Appropriations.

5129. Also, petition of the Asbestos Workers Local, No. 12, urging maintenance of prevailing rate of wages on Works Progress Administration projects; to the Committee on Appropriations.

5130. Also, petition of Local No. 802, American Federation of Musicians, representing 20,000 members, urging restoration of the prevailing wage rate on Works Progress Administration work now in the course of construction; to the Committee on Appropriations.

5131. Also, petition of the Regional Council, United Federal Workers of America, urging enactment of House bill 7109 and the Murray bill, relative to Works Progress Admin-

istration; to the Committee on Appropriations.

5132. Also, petition of the Brooklyn Army Base, Local No. 43, United Federal Workers of America, urging enactment of House bill 960 before adjournment of the Congress; to the Committee on Appropriations.

5133. By Mr. KEOGH: Petition of the United Federal Workers of America, Washington, D. C., concerning the enactment of House bill 960 at this session of Congress; to the

Committee on the Civil Service. 5134. Also, petition of the Internal Revenue, Local 47,

United Federal Workers of America, New York City, concerning the Neely retirement bill; to the Committee on the Civil Service.

5135. Also, petition of the New York State Association of Electrical Contractors and Dealers, Inc., New York City, urging appropriation for Works Progress Administration; to the Committee on Appropriations.

5136. Also, petition of William Feinberg, secretary, Local 802, American Federation of Musicians, New York, urging support of prevailing wage on Works Progress Administration projects; to the Committee on Appropriations.

5137. Also, petition of the Cafeteria Employees Union, Local 302, New York City, concerning the prevailing wage rate on Works Progress Administration projects; to the Committee on Appropriations. 5138. By Mr. SANDAGER: Memorial of the Polish-American Citizens' League of Rhode Island, Pawtucket, R. I., condemning the actions of facist nations and endorsing the quarantining of the aggressors; to the Committee on Foreign Affairs.

5139. Also, memorial of the Polish-American Citizens' League of Rhode Island, Pawtucket, R. I., favoring the education of noncitizens as American citizens; the passage of House Joint Resolution 86, and the passage of House bill 214, revision of naturalization laws; to the Committee on Immigration and Naturalization.

5140. By Mr. WELCH: Petition of Works Progress Administration Sewing Project, San Francisco, Calif., urging amendment to relief appropriation bill; to the Committee on

Appropriations.

5141. By the SPEAKER: Petition of Hart E. Delvin, Rushville, N. Y., petitioning consideration of their petition with reference to William Clark, circuit court judge of the United States; to the Committee on the Judiciary.

5142. Also, petition of the Board of Commissioners of the State Bar, Birmingham, Ala., petitioning consideration of their resolution with reference to an additional district court, or the appointment of one or more additional judges; to the Committee on the Judiciary.

SENATE

SATURDAY, JULY 29, 1939

(Legislative day of Tuesday, July 25, 1939)

The Senate met at 11 o'clock a. m., on the expiration of the

The Reverend Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, our refuge from one generation to another, in whose sight a thousand years are but as yesterday; regard in mercy, we beseech Thee, those who have served Thee in this Senate, and now sleep in peace. Rest eternal, grant unto them, O Lord, and let light perpetual shine upon them. And to these Thy servants who succeed them grant Thy grace, that, in the best and surest traditions of this land, they may pursue their labors, mindful of Thy glory and the trust bestowed upon them. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day, Friday, July 28, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.
The VICE PRESIDENT. The Clerk will call the roll.
The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Calif.	Reed
Andrews	Davis	Johnson, Colo.	Russell
Austin	Downey	King	Schwartz
Bailey	Ellender	La Follette	Schwellenbach
Bankhead	Frazier	Lodge	Sheppard
Barbour	George	Lucas	Shipstead
Barkley	Gerry	Lundeen	Slattery
Bilbo	Gibson	McCarran	Smith
Bone	Gillette	McKellar	Stewart
Borah	Green	Maloney	Taft
Bridges	Guffey	Mead	Thomas, Okla.
Brown	Gurney	Miller	Thomas, Utah
Bulow	Hale	Minton	Townsend
Burke	Harrison	Murray	Truman
Byrd	Hatch	Neely	Tydings
Byrnes	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Chavez	Hill	O'Mahoney	Wagner
Clark, Idaho	Holman	Pepper	Walsh
Clark, Mo.	Holt	Pittman	Wheeler
Connally	Hughes	Radcliffe	White

Mr. MINTON. I announce that the Senator from North Carolina [Mr. REYNOLDS] and the Senator from Arizona [Mr.